SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1945

No.

PAUL KNAUER, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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[fol. 3]

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA, Plaintiff,

vs.

PAUL KNAUER, Defendant

COMPLAINT—Filed February 3, 1943

The United States of America, by E. J. Koelzer, Assistant United States Attorney for the Eastern District of Wisconsin, herewith presents its complaint under and pursuant to Section 338 of the Nationality Act of 1940, 54 Stat. 1158 (U. S. Code, Title 8, Sec. 738) against Paul Knauer and respectfully represents:

1. That the said Paul Knauer was, prior to the 13th day of April, 1937, a native and citizen of Germany.

2. That the said Paul Knauer entered the United States on the 7th day of April, 1925, and now resides at 2611 West Lisbon Avenue, Milwaukee, Wisconsin, within the Eastern District of Wisconsin, and within the jurisdiction of this Court.

3. That on the 20th day of November, 1936, the said Paul Knauer filed his petition for naturalization, Number 30972, in the Circuit Court of Milwaukee County, Milwaukee, Wisconsin, in which said petition for naturalization the said Paul Knauer represented and set forth under oath as required by law among other things as follows:

[fol. 4] "I am attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. It is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to the German Reich, of whom (which) at this time I am a subject (or citizen), and it is my intention to reside permanently in the United States."

4. That thereafter on to-wit, the 13th day of April, 1937, the said Paul Knauer took the following oath of allegiance in open court as required by law:

> "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to the German Reich of whom (which) I have heretofore been a subject (or citizen); that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature."

5. On the same date, to-wit, the 13th day of April, 1937, the said Circuit Court of Milwaukee County, Milwaukee, Wisconsin, relying on the truth and good faith of the representations made by the said Paul Knauer in his petition for naturalization and in his oath of allegiance, entered its order admitting him to citizenship in the United States and thereupon certificate of naturalization Number 4188490 was issued to him by the Clerk of said Court.

6. That all of the representations aforesaid made by the said Paul Knauer in his petition for naturalization were false and fraudulent in that he was not in fact attached to the principles of the Constitution of the United States at the time of the filing thereof nor during the five years [fol. 5] prior thereto; in that he did not in good faith intend to renounce absolutely and forever all allegiance and fidelity to the German Reich of which he was then a subject but in fact intended to retain allegiance and fidelity to the said the German Reich; and in that he did not in fact intend to reside permanently in the United States.

7. That all of the representations aforesaid made by the said Paul Knauer in his oath of allegiance were likewise false and fraudulent in that he did not in fact renounce and abjure all allegiance and fidelity to the said the German Reich; in that he did not in fact intend to support the Constitution and laws of the United States of America against all enemies, foreign and domestic; and in that he did not in fact intend to bear true faith and allegiance to the same,

but in fact did intend to remain a subject of the German Reich and to maintain his allegiance thereto.

8. That the said certificate of naturalization was procured by the said Paul Knauer fraudulently and illegally and for the purpose of obtaining the rights, privileges and protection of American citizenship without intending to assume the duties thereof, and that said certificate of naturalization is subject to cancellation.

Wherefore, Your plaintiff prays:

That an order be entered by this Honorable Court revoking and setting aside the aforesaid order of admission to citizenship, cancelling the said certificate of naturalization and directing the surrender of said certificate of naturalization to the Clerk of this Court; and that the defendant be [fol. 6] forever restrained and enjoined from claiming any rights, privileges, benefits or advantages whatsoever under said order of admission to citizenship and said certificate of naturalization; that a certified copy of such order be mailed to the Commissioner of Immigration and Naturalization of the Department of Justice and to the Clerk of the Circuit Court of Milwaukee County, Milwaukee, Wisconsin; that an order be entered by this Honorable Court granting that its process be directed to the said defendant, commanding him to answer this complaint within sixty days after he is served with notice thereof; and, if said defendant cannot be found within the jurisdiction of this Honorable Court, that service may be had on said defendant by publication; and that this Honorable Court may grant such other and further relief as may be just and proper in the premises.

E. J. Koelzer, Assistant United States Attorney for the Eastern District of Wisconsin, Room 358, Federal Building, Milwaukee, Wisconsin.

[fol. 7] In United States District Court

[Title omitted]

Order—Filed February 3, 1943

Upon the complaint of the United States of America, this day filed herein, and upon motion of E. J. Koelzer, Assistant United States Attorney for said District, made this date, it appearing now that this order should be made,

It Is Ordered that Paul Knauer be, and he hereby is, ordered and required to answer the complaint of the United States of America, at the United States District Court room in the City of Milwaukee, State of Wisconsin, within sixty days after service upon him personally of a copy of said complaint, omitting the certificates thereto attached, together with a copy of this order; and the United States Marshal for said district is ordered to forthwith serve a copy of said complaint, omitting the certificates thereto attached, and a copy of this order upon said defendant personally if he is to be found in this district.

Dated this 3rd day of February, 1943.

(Sig.) F. Ryan Duffy, Judge.

[File endorsement omitted.]

[fol. 8] IN UNITED STATES DISTRICT COURT

ANSWER—Filed April 1, 1943

PAUL KNAUER, represented by himself, herewith presents his answer to the complaint filed by the United States of America, by E. J. Koelzer, Assistant United States Attorney for the Eastern District of Wisconsin against Paul Knauer and respectfully submits:

1. That the said Paul Knauer concedes the facts, statements and allegations made and described in paragraphs 1 to 5 of the complaint.

2. That the said Paul Knauer most emphatically denies every single allegation made in paragraphs 6 to 8 of the complaint, that pretexts have been invoked which are justified by nothing and that intentions are attributed to him which never have been manifested by acts or words.

3. That the said Paul Knauer in accordance with his petition for naturalization always respected and always was attached to the principles of the Constitution of the United States in their entirety, to the American Flag and to the Republic for which it stands, that he was well inclined and well disposed to the good order and happiness of the United States and

That, since his arrival in the United States, he only joined organizations which stated as their foremost business

and purpose to maintain, support and uphold the Constitution of the United States in its integrity and preserve all rights unabridged which the Constitution of the United States guarantees to its citizens and to the people of this nation, and

That the said Paul Knauer, after filing his petition has [fol. 9] apparently been investigated by various government agencies as to his character and beliefs comprising at least the time from his arrival in 1925 to the day of his admittance to citizenship in 1937,

that the said Paul Knauer has been examined by a government examiner as to his knowledge and beliefs as to the American form of government and,

that the said Paul Knauer had called two competent witnesses for verification of his character, his qualification for citizenship and his beliefs, and

that the character, conduct and belief of the said Paul Knauer were found to be beyond reproach and in full accord with his statements and declarations made in his petition.

4. That in accordance with his petition for naturalization the said Paul Knauer had positively and definitely intended to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to the German Reich of which at that time he was a citizen.

5. That in accordance with his petition for naturalization it was positively and definitely his intention to reside permanently in the United States of America and that he never acted nor made a single statement to the contrary.

6. That he swore with a clear conscience and without any mental reservation or purpose of evasion whatsoever to renounce and abjure all allegiance and fidelity to the German Reich, of which he had heretofore been a citizen.

7. That he swore with a clear conscience and without any [fol. 10] mental reservation or purpose of evasion whatsoever to support and defend his newly adopted homeland and to uphold, support and defend its Constitution in its integrity and the laws of the United States of America against all enemies, foreign and domestic, and to preserve all rights unabridged which the Constitution of the United States guarantees to its citizens and to the people of the nation.

8. That his oath did not contain any obligation to acquire a dual nationality and to become a citizen of Great Britain, Russia or China and to share the political views of these countries.

9. That his oath did not contain an obligation to participate actively in denouncing and insulting his mother country.

10. That his oath did not obligate him to hate his parents, relatives and friends because of their German ancestry, and to avoid any future social contact with them.

11. That his oath did not state that he may have to commit matricide eventually in order to fulfill his obligation.

12. That his oath did not forbid him to help to relieve the human suffering, if any, of his kinfolks and friends and of the German people in general and to show sympathy for their misery and misfortune, if any.

13. That his oath did not obligate him to hate the German people or to deny respect for and admiration of the German people, its technical progress, its scientific and cultural achievements, and it did not obligate him to hide and conceal his pride in his German ancestry.

14. That his oath allowed him to organize German Americans for the purpose of fostering German culture, culti- [fol. 11] vating the German language and studying German American history and to fight in a legal way for recognition of the beneficial influence of German Americans as to the development of this country and for the recognition of their achievements as history has accorded it to them.

15. That his oath allowed him to criticize any attempt to minimize the beneficial influence of the German American influx into this country and to criticize any campaign for the purpose of falsifying or blackening the history, record and achievements of the German American element in this country.

16. That his oath allowed him to show admiration and respect to any great man in history, especially if of German descent, if he excels in the field of science, culture, finance, economics or politics.

17. That his oath did not forbid him to convey any truthful information as to the actual happenings in his mother country and to criticize and correct erroneous or falsified reports.

18. That he did not commit a single illegal act, though alleged, to obtain his naturalization papers.

19. That he did not make a single utterance or statement to shirk his duties nor did he commit any act to this effect.

20. That the said Paul Knauer positively and definitely did not acquire his certificate of naturalization fraudulently and falsely as alleged.

21. That in accordance with his oath the dominant motive in all his actions, in all his thoughts, words and deeds was the welfare of the American people, that he positively [fol. 12] and definitely intended to bear true faith and allegiance to the people, the Constitution and laws of the United States of America and that he positively and definitely did not intend to remain a citizen of the German Reich.

22. That this action is in violation of the 14th amendment of our Constitution which provides that all persons of the United States of America, born or naturalized, are entitled to equal privileges and immunities,

that there is no decision in the history of the United States upholding the idea that citizenship is a thing of degrees,

that to penalize American citizens for their ancestry is contrary to the fundamental concepts of our Constitution.

23. That this action demands revocation of citizenship of the defendant and restraining and enjoining the said Paul Knauer from claiming any rights, privileges, benefits or advantages he is entitled to as citizen,

that these demands if complied with mean subsequent confinement of the said Paul Knauer,

that the cancellation of citizenship together with subsequent confinement constitute criminal punishment,

that the Nationality Act of 1940 should be held to be a criminal statute and the requested criminal punishment should be preceded by conviction after a jury trial (Wong Wing vs. U. S. 163 U. S. 228).

that this action will constitute a violation of the 7th Amendment of the Constitution of the United States, if a trial by jury should not be conceded to the said Paul [fol. 13] Knauer.

24. That this action disregards the 8th amendment of the Constitution of the United States which forbids "cruel and unusual punishment."

25. That the Nationality Act of 1940 is an ex post facto law and a mere colorable device for unjustly and arbitrarily depriving the said Paul Knauer of his citizenship, that this act though it appears to mollify the rigor of criminal law, actually increases the punishment for the purpose of conviction, (Calder vs. Bull, 3 Dallas, 386)

that another court decision (Thompson vs. Utah, 170 U. S. 343, 351, 353) considers a penal statute ex post facto "which by its necessary operation and in its relations to the offense or its consequences, alters the situation of the accused to his disadvantage,"

that the U. S. Constitution, Art. I, section 9, par. 3, prohibits the U. S. from passing any ex post facto laws.

26. That the acts alleged by the plaintiff preceded the Nationality Act of 1940, under and pursuant to which the complaint has been presented and that in a decision Federal Judge Jesse C. Adkins of March 5th, 1943 agreed that "Congress did not attempt to make prior acts criminal and should not have attempted to do so."

27. That the administrative act of Attorney General F. Biddle declaring this action a civil one and depriving the said Paul Knauer of a jury trial, is in violation of the due process clause of the 5th amendment of the Constitution of the United States.

28. That a serious case of misbehaviour on the part of a government agency has arisen in connection with the [fol. 14] publicity of this action for denaturalization in various newspapers on or about Feb. 3, 1943, the purpose and effect of which could have been only to arouse passion and prejudice, cause economic distress and suffering and create a hostile feeling against the defendant, thus prejudicing the right of the said Paul Knauer to a fair trial and constituting a violation of the due process clause of the 5th amendment of the Constitution of the United States.

29. That no concrete proof of fraud or disloyalty at the time or prior to or after naturalization has been presented by plaintiff.

30. That our President of the United States has vetoed legislation which would have deprived of citizenship any persons found guilty of actually making false statements in connection with government contracts, that in a message he stated to the House, that "under this bill, if enacted, citizenship may be lost as the result of a misdemeanor," that "the extreme nature of this sanction not only constitutes a bad precedent, but does violence to our democratic concepts of fair and reasonable punishment for a particular crime."

31. That a decision of the Circuit Court of Milwaukee on Oct. 4, 1938 and the comment of the presiding Judge in connection with a mandamus action of Paul Knauer vs. Auditorium Board were in every respect favorable to the said Paul Knauer.

32. That this action is part of a determined, challenging, well planned program to smear German Americans for the sympathy they have shown toward their kinfolks, and to [fol. 15] discredit them in the minds of the American public with the unfortunate result of dividing the war efforts between conducting the war and creating a hostile home front by mudslinging and violent presumptions.

33. That this action is part of an organized effort to frighten and punish every American of German descent who, during the years of public debate, held views opposed to the apparent policy of the present administration, that it appears that these men are to be sent into exile, not because of what they have done when a united national effort was required, but for expressions and opinions, if any, during a period of national discussions.

34. That the said Paul Knauer has done his utmost to clear himself and to protect his family against one of the most violent and vicious smear campaigns on the part of certain newspapers directed against him as former spokesman of a German American organization chartered under the State Laws of Wisconsin, and that he has asked for a Federal Grand Jury Investigation and also a Congres-

sional Investigation into the German American situation in Milwaukee.

Wherefore, Your defendant prays:

That an order be entered by this Honorable Court dismissing this action and that this Honorable Court may grant such other and further relief as may be just and proper in the subject matter.

(Sgd.) Paul Knauer.

[File endorsement omitted.]

[fol. 16] In United States District Court

Civil Action Nos. 955, 831, 948, 960, 965, 952, 959, 963, 967, 949, 954, 955, 966, 961

United States of America, Plaintiff,

v.

Paul Knauer, Hans Behnke, John Fred Falk, Herbert Ernst Poetzsch, Ewald Schneider, Karl Kalusok, Henry Charles Pfaff, Emil Schellong, Joseph Wippl, William Carl Greeb, Otto Kettner, Erich Emil Kaufmann, Ludwig Soellner, Helmut E. Prause, Defendants

Notice of Motion—Filed May 12, 1943

Sir:

Please take notice that the undersigned will bring the annexed motion on for hearing before the United States District Court for the Eastern District of Wisconsin, presided over by F. Ryan Duffy, District Judge, on the 17th day of May, 1943, at 10:00 in the forenoon of said day, or as soon thereafter as the matter may be reached for hearing.

Dated at Milwaukee, Wisconsin, this 11th day of May, 1943.

B. J. Husting, United States Attorney, By Carl R. Becker, Assistant United States Attorney, By F. Kirk Maddrix, Special Assistant to the Attorney General.

[fol. 17] To:

Paul Knauer, in person, 2611 West Lisbon Avenue, Milwaukee, Wisconsin.

Homer Clark, Esq., 108 W. Wells Street, Milwaukee, Wisconsin, Attorney for Hans Behnke.

Julius O. Roehl, Esq., First Wis. National Bank Bldg., Milwaukee, Wisconsin, Attorney for John Fred Falk.

H. A. Sawyer, Esq., 621 Century Building, Milwaukee, Wisconsin, Attorney for Herbert Ernst Poetzsch.

Val Dittmann, Esq., 618—56th Street, Kenosha, Wisconsin, Attorney for Ewald Schneider.

A. W. Richter, Esq., 510 Caswell Building, Milwaukee, Wisconsin, Attorney for Karl Kalusek.

H. William Ihrig, Esq., 759 North Milwaukee Street, Milwaukee, Wisconsin, Attorney for Henry Charles Pfaff.

Erwin E. Fritz, Esq., 1937 West Fond du Lac Avenue, Milwaukee, Wisconsin, Attorney for Emil Schellong.

Cain & Farley, Esqs., 135 West Wells Street, Milwaukee, Wisconsin, Attorneys for Joseph Wippl.

L. A. Buckley, Esq., Hartford, Wisconsin, Attorney for William Carl Greeb.

Otto Kettner, in person, 127 East Vine Street, Milwaukee, Wisconsin.

H. William Ihrig, Esq., 759 North Milwaukee Street, Milwaukee, Wisconsin, Attorney for Erich Emil Kaufmann.

Ludwig Soellner, in person, 6103 West Lloyd Street, Wauwatosa, Wisconsin.

Cain & Farley, Esqs., 135 West Wells Street, Milwaukee, Wisconsin, Attorneys for Helmut E. Prause.

[fol. 18] IN UNITED STATES DISTRICT COURT

[Title omitted]

Civil Action Nos. 955, 831, 948, 960, 965, 952, 959, 963, 967, 949, 954, 953, 966, 961

MOTION TO CONSOLIDATE—Filed May 12, 1943

Now comes the plaintiff by Carl R. Becker, Assistant United States Attorney, and F. Kirk Maddrix, Special Assistant to the Attorney General, and moves the Court to order, pursuant to R. 42 (a) of the Federal Rules of Civil Procedure, that the foregoing actions be consolidated for the purpose of determining in one trial the common issue of fact hereinafter described in an Affidavit annexed hereto and to direct that the same Judge who determines the con-

solidated issue shall try thereafter the remaining issues separately and *in seriatim*.

Dated at Milwaukee, Wisconsin, this 11th day of May, 1943.

B. J. Husting, United States Attorney, By Carl R. Becker, Assistant United States Attorney, By F. Kirk Maddrix, Special Assistant to the Attorney General.

[fol. 19] IN UNITED STATES DISTRICT COURT

Civil Action Nos. 955, 831, 948, 960, 965, 952, 959, 963, 967, 949, 954, 953, 966, 961

[Title omitted]

AFFIDAVIT OF CARL R. BECKER—Filed May 12, 1943

STATE OF WISCONSIN,
County of Milwaukee, ss:

Carl R. Becker, being duly sworn, deposes and says that he is an Assistant United States Attorney for the Eastern District of Wisconsin, and as such is one of the attorneys for the plaintiff, and

F. Kirk Maddrix, also being duly sworn deposes and says that he is a Special Assistant to the Attorney General and as such is one of the attorneys for the plaintiff.

1. Each of the above mentioned actions was instituted under Section 338 of the Nationality Act of 1940, 54 Stat. 1158 (U. S. Code, Title 8, Section 738) to set aside the order admitting the defendant to citizenship in the United States and to cancel his certificate of citizenship on the grounds that it was obtained by means of fraud as more particularly set forth in the complaints heretofore filed in this Court.

2. It is the purpose of the plaintiff to prove:

That there existed in the Eastern Judicial District of Wisconsin an organization known as the Friends of New Germany which later changed its name to that of the German-American Bund; and that there also existed in said

[fol. 20] Judicial District a corporation known as the Grafton Settlement League, Inc., which corporation was controlled and dominated by the German-American Bund for the operation of Camp Hindenburg, the official camp of the German-American Bund, designed to promote and further the objects of the Bund.

That the Friends of New Germany and/or the German-American Bund was a militant organization which advocated and instilled in each of its adherents, regardless of his status as a citizen of the United States, a lack of attachment to the principles of the Constitution of the United States and an ill-disposition on the part of the adherents to the good order and happiness of the United States; encouraged, fostered, and demanded in its adherents supreme and unswerving allegiance and fidelity to the German Reich; and engaged in the furtherance of totalitarian principles of German National Socialism.

That each of the above named defendants were either members of the Friends of New Germany, later designated and known as the German-American Bund, or that they figured prominently in the activities of the Bund to such an extent that they defended its principles and sympathized with its aims and purposes.

3. The fact that the complaints filed against the above named defendants alleging that they procured their certificate of citizenship fraudulently is common to each of the defendants named herein.

4. Issue having been joined in each of the foregoing actions, they are now on the civil trial calendar of the United States District Court for the Eastern District of Wisconsin, and each action is pending independently of the other.

5. The proof which the Government will offer as described and set forth in Paragraph 2 hereof is common to each of the defendants named herein.

6. Rule 42 (a) of the Federal Rules of Civil Procedure provides for a joint trial of several causes or any one issue thereof where a common question of law or fact exists. To avoid unnecessary costs or delay the Court may in its discretion consolidate the actions, or any one issue thereof for the purpose of trial convenience.

[fol. 21] 7. Unnecessary cost and delay as well as inconvenience to the Court and to the parties would result from separate trials of the common issue of fact above described by reason of the following:

(a) The United States will offer substantially the same evidence through the same witnesses, in support of the common issue of fact aforesaid. Separate trials would, accordingly, require the recall of such witnesses and the repetition of the same proof on fourteen different occasions.

(b) The said evidence which the United States will offer is somewhat voluminous. Your deponents estimate that it will require between four to six trial days to complete such proof.

(c) The United States Government would be inconvenienced and handicapped in actions presently pending in other districts of the United States wherein it will be necessary to adduce similar proof through said witnesses, and that the recall of said witnesses for successive hearings in this Court would produce crippling delays in the orderly disposition of these cases.

8. A consolidation of the actions as to the one common issue hereinabove described will enable the United States to introduce a greater part of its proof against all defendants at one time, thereby eliminating unnecessary delay, duplication, and expense.

9. A consolidation of the actions as to the one common issue hereinabove described will not prejudice any defendant, since:

(a) The actions are equitable in nature and triable without a jury.

(b) No defendant would be deprived of any right material to his defense. Each will have the same rights and privileges to cross-examine witnesses and object to the admissibility of evidence offered as he [fol. 22] might have in a separate trial, and the Court could rule accordingly to prevent prejudice to any defendant.

Wherefore, your deponents respectfully ask the Court to order that the foregoing actions be consolidated for the purpose of determining in one trial the common issue of fact hereinabove described and to direct that the same Judge who determines the consolidated issue shall try thereafter the remaining issues separately and in seriatim.

Carl R. Becker, Assistant United States Attorney; F. Kirk Maddrix, Special Assistant to the Attorney General.

Sworn to before me this 11th day of May, 1943. Theodora E. Schwaab, Notary Public, Milwaukee County, Wis. My commission expires June 13, 1944.

[File endorsement omitted.]

[fol. 23] In United States District Court

[Title omitted]

Answer to Motion to Consolidate—Filed May 28, 1943

Now comes the defendant, Paul Knauer, represented by himself, and moves the Court not to consolidate this civil action brought under and pursuant to R. 42(a) of the Federal Rules of Civil Procedure with those brought under the same section by the plaintiff against thirteen other persons for the reason and on the ground that defendant is thereby deprived of his right to a separate trial which is material to his defense, and he respectfully submits:

That a motion of review of the decision of the Honorable F. Ryan Duffy, Judge of the District Court for the Eastern District of Wisconsin, of May 3, 1943 has been served and filed on May 6, 1943,

That this motion is still pending and no disposition has been made as to this motion,

That according to the affidavit of the plaintiff, the said plaintiff intends to state conclusions and not facts,

That the affidavit of plaintiff is too general, too vague and does not apply to the defendant,

That there seems to be a slight confusion on the part of the plaintiff as to the connection of the said Paul Knauer with the organizations mentioned in the affidavit,

[fol. 24] That testimony to be presented would not, in any way, relate to the said Paul Knauer,

That the name of the said Paul Knauer, due to the fact of having been an officer and spokesman of a German American organization not referred to in the affidavit of the plaintiff and not connected with any of the organizations mentioned, has been blackened, stigmatized and slandered,

That false reports have been maliciously and continuously printed by newspapers with the tendency of injuring the reputation of the said Paul Knauer, to defame his reputation by slander, to calumniate him, to cast aspersions on him, to charge him falsely and knowingly with un-Americanism, to set a mark of disgrace on him, to call and characterize him by the most opprobrious epithets and mark him as hostile to true Americanism,

That the consolidation of other cases with the case of the said Paul Knauer would create a prejudice against the other thirteen defendants.

Dated at Milwaukee, Wisconsin, this 28th day of May, 1943.

P. Knauer.

[File endorsement omitted.]

[fol. 25] In United States District Court

Civil Action Nos. 955, 831, 948, 960, 965, 952, 959, 963, 967,
[fol. 26] 949, 954, 953, 966, 961

[Titles omitted]

Order Granting Motion to Consolidate—Filed June 16, 1943

The plaintiff, United States of America, having moved for an order consolidating all of the above-entitled actions for a joint trial of any common question of fact thereof, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, and the said motion having come on to be heard on the first day of June, 1943, and Carl R. Becker, Assistant United States Attorney for the Eastern District of Wisconsin, and F. Kirk Maddrix, Special Assistant to the Attorney General, for plaintiff, having appeared in support thereof, and the defendants Henry Charles Pfaff and Eric Emil Kaufmann having appeared by H. William Ihrig, Esq.,

in opposition thereto, and the defendant, Paul Knauer, having appeared in person, in opposition thereto, and the defendant Hans Behnke, having appeared by Homer Clark, Esq., in opposition thereto, and the defendant John Fred [fol. 27] Falk, having appeared by Julius O. Roehl, Esq., in opposition thereto, and the defendant Ewald Schneider, having appeared by Val Dittman, Esq., in opposition thereto, and the defendant Emil Schellong, having appeared by Erwin Fritz, Esq., in opposition thereto, and the defendants Joseph Wippl and Helmut E. Prause, having appeared by Cain & Farley, Esqs., in opposition thereto, and the defendant Otto Kettner, having appeared in person, in opposition thereto, and the defendant Ludwig Soellner, having appeared in person, in opposition thereto, and the defendant Karl Kalusok, having appeared by Marvin M. Fein, Esq., and having consented to the said motion, and the defendant William Carl Greeb, having failed to appear, either in person or by counsel, and the defendant Herbert Ernst Poetzsch, having appeared by H. A. Sawyer, Esq., and neither opposed nor consented to the said motion,

It Is Ordered that the motion to consolidate for trial the common issues in all the within actions be and the same is hereby granted; and it is further

Ordered that the within actions be, and the same are hereby consolidated for trial, for the purpose of receiving the evidence of the plaintiff, common to each case, concerning the organization, aims, purposes and activities of the German-American Bund, its national and local subdivisions, its predecessors and affiliates, including the Grafton Settlement League, Inc., subject to the usual right of cross-examination and objection by each defendant; and it is further

Ordered that each defendant, at said consolidated hearing, submit rebuttal evidence, if any, relating to the aforesaid common issues; but that such rebuttal evidence [fol. 28] shall be (a) without prejudice to each defendant offering evidence in his separate trial concerning his individual explanation of his membership and association with any of the organizations mentioned in the consolidated trial of such common issue, and (b) without prejudice to each defendant offering evidence in his separate trial with reference to any other defense raised in his answer; and it is further

Ordered that upon the conclusion of the said consolidated hearing, the trial of each defendant shall continue separately.

Dated at Milwaukee, Wisconsin, this 16th day of June, 1943.

F. Ryan Duffy, United States District Judge.

[File endorsement omitted.]

[fol. 29] IN UNITED STATES DISTRICT COURT

[Title omitted]

Civil Action Nos. 955, 831, 948, 960, 965, 952, 959, 963, 967, 949, 954, 953, 961

ORDER FOLLOWING PRE-TRIAL CONFERENCE—Filed September 10, 1943

At a pre-trial conference held this date with reference to the issues to be tried at the consolidated trial of the common issues in the above entitled actions, it was stipulated and agreed by all parties:

1. Plaintiff may offer Photostat copies of certain documents, records, and portions of newspapers which it desires to offer in evidence on the trial of said common issues, with the same force and effect as though the original of each had been offered, but with the reservation that each defendant retains the right to object to any or all of same on the [fol. 30] grounds of irrelevancy and immateriality, and defendant Knauer agreeing to said stipulation with the understanding that membership in the German-American Bund or its predecessor organization, which he denies, is not implied by his so agreeing.

2. Plaintiff desires to offer certain writings, articles, and documents which are printed or written in the German language. Plaintiff will offer translations of same into the English language. It was stipulated that the various employees of the United States Government who made such translations from German to English would testify in court if they were called as witnesses on the trial that such translations so made by them were and are accurate to the

best of their belief and information. Such stipulation shall not preclude any defendant from offering proof as to what such defendant considers to be the proper translation of such writings, articles, and documents.

3. Any party may, subject to objections of relevancy and materiality, offer clippings or Photostat copies of articles published in any local newspaper, as articles appearing in said local newspapers.

Dated at Milwaukee, Wisconsin, this 10th day of September, A. D. 1943.

F. Ryan Duffy, Judge.

[File endorsement omitted.]

[fol. 31] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF WISCONSIN

Civil Action Nos. 955, 831, 948, 960, 965, 952, 959, 963, 961, 966

UNITED STATES OF AMERICA, Plaintiff,

v.

PAUL KNAUER, HANS BEHNKE, JOHN FRED FALK, HERBERT ERNST POETSCH, Ewald Schneider, Karl Kalusek, Henry Charles Pfaff, Emil Schellong, Helmut E. Prause, Ludwig Soellner, Defendants

Memo Opinion, and Findings of Fact and Conclusions of Law on Common Issues Consolidated for Trial—Filed May 25, 1944

Each of the ten above entitled actions was brought under Section 338 of the Nationality Act of 1940 (54 Stat. 1158, 8 U. S. C. A., Sec. 738) to revoke, on the ground of fraud, the order admitting the defendant to citizenship and to cancel the certificate of naturalization issued to the defendant.

The complaint alleges in each case that the representations made by the defendant in his petition for naturalization and in his oath of allegiance were fraudulent for the following reasons: (1) in that he did not in good faith renounce or intend to renounce absolutely and forever all allegiance and fidelity to Germany, but in fact retained and

intended to retain allegiance and fidelity to Germany; and in that he did not in fact intend when he took his oath to bear true faith and allegiance to the Constitution and laws of the United States; and (2) in that he was not in fact attached to the principles of the Constitution at the time of the filing of his petition for citizenship nor during the five years prior thereto; and in that he did not in fact intend to support the Constitution and laws of the United States against all enemies, foreign and domestic. All the defendants deny these allegations.

An order was entered consolidating for trial the common issues in all said actions. The principal common issue concerns the organization, aims, purposes, and activities of the German-American Bund, its national and local subdivisions, predecessors and affiliates, including the Grafton [fol. 32] Settlement League, Inc. After the conclusion of the consolidated trial on the common issues, separate trials were had as to the claims of the government against the individual defendants. The findings filed herewith will deal only with the common issues.

The evidence clearly, unequivocably, and convincingly establishes that the German-American Bund and its predecessor organizations were un-American and subversive, and that the teachings of such organizations were contrary to the principles of the Constitution of the United States.

Findings of Fact

1. About October 12, 1924, while Adolph Hitler was languishing in jail obsessed with his literary thoughts and political ambitions, some of his followers in Chicago, including Fritz and Peter Gissibl, organized the "Free Society of Teutonia". These organizers in the United States were members of the National Socialist German Workers Party (NSDAP), better known later as the "Nazi Party". The aim of the new organization in this country was to unite all Germans with nationalistic leanings; to convince them that Hitler was the leader of Germans everywhere; and to advance his political ideology and personal ambitions. In 1926 the name of the society was changed to "National Socialist Society of Teutonia", but its aims and purposes remained unchanged, and its organizational structure was patterned after that of the National Socialistic Party in Germany.

2. In 1932, after the Hitler movement had grown powerful in Germany, the name was changed to "The Friends of the Hitler Movement". Funds collected by the above named societies were sent to Germany to advance the cause of Hitler. On January 30, 1933, Hitler became Chancellor of Germany, and not long thereafter the name of the organization in this country was changed to "Friends of New Germany". It was the only organization in the United States recognized by NSDAP. Its primary aim was to spread the philosophy of National Socialism in this country. In 1936 the name was again changed, this time to "German American Bund" (hereafter referred to as the "Bund"). The national Bund Leader used the organizational book of the NSDAP as the basis for the regulations to govern the Bund. As had been done in Germany, the Bund divided this country into "Gaus" or districts, and "Ortsgruppes" or units; smaller subdivisions likewise followed the Nazi pattern. The official Nazi greeting, "Heil Hitler", later modified to "Heil" or "Seig Heil" was adopted, as well as the Nazi salute with outstretched arm, the Horst Wessel Song, and such Nazi paraphernalia as the swastika. Holidays celebrated by the Nazi Party in Germany were days of celebration in this country for the Bund, one of the principal ones being April 20, Adolph Hitler's birthday. In the official calendar of the Bund for the year 1937, July Fourth was not designated as Independence Day but as the founding of D.K.V., the economic branch of the Bund whose function was to promote the sale of German goods in this country.

3. From its inception the Bund was directly affiliated with the National Socialist German Workers Party of Germany, and after Hitler became head of the German government, it was affiliated with the German Reich. Fritz Gissibl and a number of other early leaders of the Bund, including Heinz Spanknoebel, Ernest Vennekohl, and Joseph Schuster, have returned to Germany and hold high positions in its present government and in the Nazi Party.

[fol. 33] 4. The basic qualifications for membership in the Bund were that the applicant be of Aryan descent—free from Jewish or Negro blood, a believer in the leadership principle, and an adherent to the German National Socialist world philosophy. If it were known that an applicant lacked any of these qualifications, membership was denied.

An applicant was also required to sign an application blank stating he believed in the leadership principle, and he was supposed to furnish a reference from someone in Germany as well as from someone in this country. A probationary period was required prior to final acceptance to membership, but known or former members of NSDAP were accepted immediately.

5. Both American citizens of German descent and German nationals were eligible for membership in the Bund until 1935-36, but at that time an order was issued from Germany to the Bund leadership in this country instructing German nationals to retire from the organization. This order was generally ignored. After 1935 a group was formed within the Bund known as "Prospective Citizens League", made up of German nationals. Its purpose was to keep such German nationals withih the Bund, and to foster their adherence to the Nazi cause.

6. The Bund maintained a uniformed corps called the "O.D." (Ordungs Dienst) which was patterned after the "S.A." (Storm Troopers) of the Nazi Party in Germany, and whose alleged purpose was to keep order at large meetings. It was drilled in military formations, however, using the commands set out in the party regulations for the S.A. in Germany. Its official greeting first was "Heil Hitler", and later "Seig Heil" and "Heil".

7. The "Youth Group" of the Bund likewise was patterned after the "Hitler Youth" of Germany, and through this organization instruction in the principles of National Socialism, the leadership principle, and the supremacy of their German blood was given to the children. Trips to Germany for selected children were sponsored and paid for by the Volksbund fuer das Deutschtum im Auslands, or "V.D.A." Through the V.D.A. the Nazi Party maintained contact with German elements in foreign countries. It was planned that the Youth Group would be the training ground for future O.D. and Bund leaders.

8. The Friends of New Germany and later the Bund maintained camps where Nazi flags were flown, Nazi paraphernalia exhibited, Nazi printed propaganda distributed, and where the speakers expounded the theories of National Socialism. One such camp was located a short distance north of Grafton, Wisconsin, and was later moved

to a new location to the south of that city, and was known as Camp Hindenberg.

9. The Bund and its predecessor organizations published and distributed various newspapers, among which were "Deutscher Zeitung", "Deutscher Weckruf and Beobachter", and "Deutscher Weckruf and Beobachter and Free American". Each in turn was the official newspaper of the Bund at the time it was published, and was used to disseminate the philosophy of German National Socialism in the United States, to foster an allegiance to Hitler and the Nazi Party, and to incite in the readers thereof a contempt for democratic institutions. Much of the material contained therein was distributed by propaganda agencies in Germany controlled by the Nazi Party.

[fol. 34] 10. The Bund published and distributed other propaganda through the local units such as articles and speeches, including "Blood Is Sacred" by Wilhelm Kunze, and "The Cultural Mission of the Friends of New Germany" by Walter Kappe. All such literature stressed the philosophy of National Socialism, the blood theory, and loyalty to Germandom. Yearbooks were also published, the cover on the 1937 issue displaying a photograph of Adolph Hitler greeting Bund leader Fritz Kuhn and displaying the motto, "Bound to Germany, Obligated to America".

11. One of the main tenets of National Socialism is the leadership principle, under which unquestioned obedience is owed to the leader who, supposedly, has absolute and complete authority over all Germans wherever they may be. Sub-leaders in the Party are responsible to and derive their authority from him. The Bund accepted this philosophy and was conducted accordingly, the Bundesfeuhrer having supreme and unlimited authority. The Bund was the Nazi Party's means of conveying to persons of German extraction in this country the doctrine that all persons of German blood, as members of the German "volk", owed obedience, loyalty, and allegiance to the leader of the German nation, Adolph Hitler.

12. The Bund taught that, under the Nazi concept of racial superiority and unity, persons born of German blood remained Germans regardless of the country in which they might reside or what foreign citizenship papers they might

obtain. As a reminder of their "Germandom", the Bund distributed blue candles to be burned at Christmastime by Bund members.

13. For the purpose of strengthening this "volk" concept, group trips to Germany were arranged, the principal one being in 1936 at the time of the Olympic Games. Fritz Kuhn, the Bundesfeuhrer, and other Bund leaders, including George Froboese of Milwaukee, were received at the Chancellery by Hitler. A gift of $3,000.00 was handed by them to Hitler, together with a "Golden Book" containing the names of those who had contributed to the fund.

14. One of the Bund slogans often displayed at meetings was "Ein Volk, Ein Reich, Ein Feuhrer". This emphasized the Bund teaching that allegiance and devotion to Hitler and the German "Volkstum" was superior to any obligation to the United States. The Bund looked forward to the day when the national socialist form of the German government would supplant the constitutional democratic form of the United States government.

15. The Bund was actively isolationist, its leaders believing thereby to be of greatest service to Germany. To keep America out of the war and to extract promises to strive for that end from candidates for public office, in order to receive the support of Bund members, was constantly urged. The most notorious of the Bund "commands", by which the Bund maintained and exercised control and discipline over its members, were Commands Nos. 35 and 37 which advocated and directed non-compliance with the Alien Registration and the Selective Training and Service Acts.

16. The Bund espoused the political philosophy of National Socialism as taught, advocated and exercised by Nazi Germany. The basic principles as exemplified by the Nazi Party are the leadership principle, racial superiority of the Germans, the principle of the totalitarian state, the principle of Pan-Germanism as related to the blood theory, and the principle of Lebensraum (living space). All [fol. 35] of these are completely contrary to the democratic theory of government as known and practiced in this country. Each of the basic tenets of national socialistic ideology is the antithesis of its counterpart in our American political system. Nazi Germany has as one of its avowed

purposes the destruction of the democratic form of government as practiced in this country. Nazi leadership proclaimed the democracies as decadent.

17. The Friends of New Germany was organized in Milwaukee in 1933, but from 1936 until its dissolution after Pearl Harbor the organization was known as the "German-American Bund". Among its early leaders was George Froboese, who was Unit Leader, Midwestern Gauleiter, and Bundesfeuhrer of the national organization. He maintained his position as leader of the Milwaukee unit during its entire existence in Milwaukee.

18. The Milwaukee unit of the Bund and its predecessors was governed by the leadership principle. An oath was administered to candidates at initiation ceremonies at which they promised allegiance to the leader and obligated themselves to carry out all his instructions, as they knew their leader would require nothing illegal of them. "Bundesbefehles" or commands were received from national headquarters about once a month and read to the members at meetings.

19. The Milwaukee unit customarily closed its meetings by singing the Horst Wessel song during which the members stood at attention with outstretched arms, palms down, in a gesture identical to the Nazi salute. At their meetings the Nazi flag was used, but the American flag also was displayed. About 75 to 100 members purchased the 1937 and 1938 yearbooks and the proceeds thereof were remitted to Bund national headquarters. Contributions were solicited from Bund members to defray the legal expenses of Fritz Kuhn's trial at New York City. National Bund leaders and prominent Nazis from time to time delivered speeches to the Milwaukee unit. Some of the speakers were Fritz Kuhn, Wilhelm Kunze, Fritz Gissibl, Joseph Schuster, Walter Kappe, Colin Ross, German Consul Berg, and Dr. Tannenberg. Motion pictures were shown at Bund meetings depicting the progress of the new Germany under Hitler, two of the subjects shown being "The Congress of the National Socialist Party in Germany" and "The Life of Horst Wessel." German propaganda, including speeches by Hitler and Goebbels, was customarily on sale at local unit meetings.

20. The local Bund unit had a uniformed O. D. Its color guard displayed both the American flag and the Bund flag, the latter of which bore the swastika emblem. The principal purpose of the O. D. was to protect members at meetings. It conducted military drills at Camp Hindenberg.

21. The Milwaukee unit maintained a Youth Group (Jugendschaft), organized in 1935, consisting of boys and girls whose ages ranged from eight to sixteen years. The children wore uniforms similar to those worn by the Hitler Youth; their flag, with the symbol of the "blitz," was similar to the flag of the Nazi Youth; they sang the Horst Wessel song and gave the Nazi salute. They were required to attend large meetings of the Bund at the Milwaukee Auditorium and at Camp Hindenberg.

22. In accordance with national Bund policy the Milwaukee unit had a board of directors called the "Amptswalterschaft," composed of the leader and various offi- [fol. 36] cers of the unit, the purpose of which was to guide the activities of the local unit. However, it could not go contrary to the wishes of the local leader.

23. The Milwaukee unit used the Highland Cafe as a rendezvous and meeting place in 1938, 1939, and 1940. After a police investigation and a hearing before a committee of the Milwaukee Common Council, the tavern license of the Highland Cafe was revoked, which resulted in the closing of that place.

24. The local unit sent representatives to the various district and national Bund conventions. In 1936 the Bund sponsored a trip to Germany and the Milwaukee unit was represented by George Froboese, Hans Behnke, and others. In Germany these representatives of the Bund paraded in uniform through certain streets of Berlin to the Reich Chancellery, and presented the "Golden Book" and a $3,000.00 gift to Hitler. Froboese was one of the few members of the group admitted to the presence of Hitler at the presentation ceremony. A photograph showing Hitler shaking hands with Froboese on this occasion is in evidence. While in Germany the Bund representatives also placed wreaths upon the graves of Horst Wessel and of the Unknown Soldier.

25. In 1939 the local Bund leaders conceived an organization through which the Bund could control and operate Camp Hindenberg at Grafton, Wisconsin, and for this purpose caused the Grafton Settlement League, a non-profit holding company for the camp, to be incorporated. Froboese and Belmke chose a site for the camp and Froboese withdrew $2,900.00 from the Bund bank account to make a payment on the property. Thereafter the camp was set up and became the scene of much Bund activity. Some Bund members built cottages and lived there part of each year.

26. The Milwaukee unit was an aggressive branch of the national organization of the Bund. In addition to meetings at the Milwaukee Auditorium, it staged demonstrations and meetings at the Forst Keller and the Highland Cafe. Attempts were made by outsiders to break up several of these gatherings, resulting in physical violence and disturbances. On several occasions the O. D. in uniform were stationed throughout the hall, as a protective measure against such attacks. At times a number of O. D. from the Chicago unit were sent to Milwaukee to assist the local O. D. in preserving order. As a result of these disturbances and by reason of the Nazi nature of the organization, such as its uniforms and emblems on armbands, swastika flag, Nazi salute, etc., the local unit acquired an unfavorable reputation in Milwaukee. The local press rebuked the Milwaukee Bund because of its un-American activities. While some members during the time of these occurrences disassociated themselves from the organization, others were unmoved and the unit continued undaunted upon its activities until after Pearl Harbor.

And as

Conclusions of Law

1. The German-American Bund and its predecessor organizations were un-American and subversive and the teachings of such organizations were contrary to the principles of the Constitution of the United States.

[fol. 37] 2. The fact that a person was a member of a local unit of the Bund is not in itself sufficient to prove fraud which would warrant a judgment of cancellation of a decree of naturalization.

These findings of fact and conclusions of law will be filed in each of the ten cases listed in the caption and will stand as Part I of the findings and conclusions in each case. Part II will be devoted to the nature and extent of the participation, if any, of each individual defendant in the activities of the Bund, and the knowledge, if any, on the part of the individual defendant of the real purposes of the Bund. There will also be there considered all other evidence bearing on the question of whether such defendant obtained his certificate of naturalization by fraud.

Dated at Milwaukee, Wisconsin, this 25th day of May, A. D. 1944.

(S.) F. Ryan Duffy, Judge.

[File endorsement omitted.]

[fol. 38] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF WISCONSIN

Civil Action No. 955

UNITED STATES OF AMERICA, Plaintiff,

v.

PAUL KNAUER, Defendant

OPINION, FINDINGS OF FACT AND CONCLUSIONS OF LAW—Filed June 16, 1944

In the above entitled case I have heretofore filed Part I of my findings of fact and conclusions of law concerning the organization, aims, purposes, and activities of the German-American Bund, and therein expressly reserved for further findings and conclusions the question whether the government has established by proof that is clear, convincing, and unequivocal that the representations made by the defendant in his petition for naturalization and or in his oath of allegiance were fraudulent.

The government contends that the defendant did not in good faith renounce or intend to renounce, absolutely and forever, all allegiance and fidelity to Germany, but that he in fact intended to retain allegiance and fidelity to Germany; and that when he took his oath of allegiance he did not intend to bear true faith and allegiance to the Consti-

tution and laws of the United States. The government further contends that at the time the defendant filed his pe-
[fol. 39] tition for citizenship and during the five years prior thereto he was not attached to the principles of the United States Constitution, and that he did not in fact intend to support the Constitution and laws of the United States against all enemies, both foreign and domestic.

Citizenship is a privilege which no alien may obtain except upon full compliance with the statutory requirements specified by Congress. As was said in *United States of America* v. *Schuchhardt*, 49 F. Supp. 567, 570.

> "The granting of citizenship to an alien is a privilege. He cannot claim it as a matter of right. Therefore, all the requirements prescribed by law must be fully met and complied with by the applicant. * * *"

To enable an alien to obtain citizenship, he must be attached to the principles of the Constitution of the United States, and be well disposed to the good order and happiness of the United States. *8 U. S. C. A., Sec. 707.* If an applicant for citizenship conceals the fact that he is not attached to the principles of the Constitution of the United States and is not well disposed to the good order and happiness of the United States, or if he does not in good faith renounce his allegiance and fidelity to the government to which he has been subject, or if when he takes his oath of allegiance he does not intend to bear true faith and allegiance to the Constitution and laws of the United States, or if he takes the oath with mental reservations, then a fraud is committed for which the certificate of citizenship may be cancelled. *United States* v. *Krause*, 136 F. (2d) 935; *United States* v. *Schuchhardt*, supra; *Schurmann* v. *United States*, 264 Fed. 917;
[fol. 40] *United States* v. *De Tolna*, 27 F. (2d) 984; *United States* v. *Kuhn*, 49 F. Supp. 407.

A determination must be here made of the state of mind of the defendant when he filed his petition for naturalization, and/or when he took his oath of allegiance. It is well established that the state of a person's mind on a certain date may be proved by his subsequent actions and statements. *Luria* v. *United States*, 231 U. S. 9; *United States* v. *Krause*, supra; *Turlej* v. *United States*, 31 F. (2d) 696; *Schurmann* v. *United States*, supra; *United States* v. *Kramer*, 262 Fed. 395; *United States* v. *Orth*, 51 F. Supp. 682.

However, the burden is upon the government to establish the affirmative of its contentions by evidence that is clear, convincing, and unequivocal. To all practical intents and purposes it is the same test as "beyond a reasonable doubt."

In evaluating the statements and actions of the defendant we must maintain the proper perspective. Conduct and comments which might not be tolerated when our country is at war might in times of peace come within the realm of permissible political discussion. Most of the statements of the defendants in the ten consolidated denaturalization cases upon which the government relies to show their mental attitude when they took their oaths of allegiance were made before the date when our nation was attacked. All such statements should be considered in the light of the conditions which then existed.

[fol. 41] FINDINGS OF FACT (Part II)

27. Paul Knauer was born at Saalfeld, Germany, on March 3, 1895. After a high school training he attended the University of Leipzig for one semester and then joined the German Army during World War I. He was a top sergeant and was taken prisoner. His government awarded him the decoration of the Iron Cross. After the war he studied law and economics for three years at Leipzig-in-Halle.

28. The defendant arrived in the United States in April, 1925. He filed his declaration of intention to become a citizen on December 4, 1929. He visited Germany for several months during 1934. On November 20, 1936, he filed his petition for naturalization in the Circuit Court of Milwaukee County. In his petition he represented that he was attached to the principles of the Constitution of the United States and was well disposed to the good order and happiness of the United States. He took his oath of allegiance and was admitted to citizenship on April 13, 1937.

29. In 1931 the defendant told a newly arrived immigrant from Germany that in his opinion the aim of the Hitler National Socialist Party in Germany was good and would go forward, and that this movement would become necessary in the United States because of the influence of the Jews and Communists.

30. During his trip to Germany in 1934 he read Hitler's "Mein Kampf" and upon his return told a business asso-

ciate that he had met Hitler and was very proud of that fact. He told another acquaintance that he was offered a [fol. 42] job with the government in Germany at 600 marks a month, that Hitler was the savior of Germany, and that the Hitler youth organization was an excellent influence upon the children in Germany.

31. During the winter of 1934-35 while a delegate to the Wisconsin Federation of German-American Societies the defendant published an appeal in a German newspaper promoting contributions for winter relief in Germany. He represented himself as having received the necessary credentials from the German Consul in Chicago to undertake the collection. He did in fact forward the contributions made to said consul.

32. At a meeting of the delegates of the Federation of German-American Societies on January 13, 1935, a letter from the German Consul in Chicago was read which stated that on the occasion of his visit to Berlin he would comply with the request of defendant Knauer to arrange for free delivery of Homeland films and that they would be placed at the disposal of the Federation.

33. In 1935 Knauer reprimanded a delegate to the Federation for passing out pamphlets opposing the national socialist government in Germany.

34. In 1935 the Federation of German-American Societies of Wisconsin consisted of seventy organizations representing a membership of more than 8,000 people. The Milwaukee unit of the Bund attempted by means of infiltration tactics to gain control of this central organization. A [fol. 43] persistent effort was made by the Bund delegates to have the swastika flag carried in parades of the Federation and at park celebrations. These efforts were made by defendant Knauer, George Froboese, and Eugene Buerk. At a meeting of delegates in January, 1935, the swastika flag question was raised concerning the proposed German-Day celebration. The defendant voted for it, but the motion did not prevail. In June, 1935, the defendant renewed the question and again urged that the swastika flag be displayed, but this motion was voted down. Certain delegates, led by Froboese, became abusive because of this action and withdrew from the hall upon request.

35. The Bund thereupon set out to organize and unite societies in opposition to the leadership of the Federation. They issued and widely circulated a pamphlet entitled, "Merely Our Point of View". The pamphlet contained the statement, "* * * with heads high and in the firm belief in the greatness of the German Reich Fuehrer, we shall wear the Honor Cross conferred by Adolph Hitler * * *."

36. In spite of the decision of the Federation, the swastika flag was raised under the protection of a number of Bund O. D. men at the German-Day celebration in 1936, and when it was torn down, a disturbance occurred. At the first meeting of the Federation following this incident, defendant Knauer sought to get approval for the showing of the swastika by submitting a motion of confidence for the chairman of the entertainment committee. Not only did this motion fail, but a vote of censure was taken. Thereafter the German-American Citizens Alliance was formed. It [fol. 44] became an organized movement in January, 1937. Five small societies joined the Alliance.

37. During the early months of the existence of the Citizens Alliance, meetings were held at Bauman's Tavern, but shortly thereafter were moved to Bund headquarters at the Highland Cafe. The most frequent attendants of the meetings were the defendant, Bund Leader Froboese, Ludwig Soellner, Eugene Buerk, and sometimes Hans Behuke, the secretary of the Milwaukee Bund. Often it was the same people who attended meetings of the Bund and of the Alliance. Although the defendant and other officers of the Alliance contended and still contend that no connection existed between the Alliance and the Bund, the fact is the Alliance was a front organization for the Bund. The Alliance endeavored and did bring into its ranks persons who were sympathetic with the objects of the Bund but who for personal reasons did not wish to be known as Bund members.

38. On February 22, 1937, which was 55 days prior to his naturalization, the defendant Knauer was formerly accepted as a member of the Alliance and was immediately made a member of the executive committee. His first action as a member was to volunteer the collection of newspaper articles that "attacked Germans and German-Americans" and to report to the Alliance upon them. He made such reports

monthly in 1937. In March, 1939, defendant was elected vice president of the Alliance, and as such presided over 42 out of 57 meetings of the Alliance. The president, Weisflog, became inactive and attended meetings only occasionally after defendant Knauer assumed his duties as vice [fol. 45] president. The defendant Knauer dominated and controlled the Alliance. Fifty-three days after his naturalization he acted as master of ceremonies at the first public celebration of the Alliance, which was known as "German Day". He began preparations for this program shortly after his naturalization, and included Dr. Baer, a representative of the German Reich, as a speaker. Two months after his naturalization he urged that the Alliance sponsor a Solistice ceremony, a solemn rite at which a wooden swastika is burned to symbolize the unity of German people everywhere.

39. The defendant Knauer devoted himself with much energy to writing letters and telegrams to those who criticized the Bund or the German government. Upon behalf of the Alliance he prepared letters criticizing the Kenosha City Council for its refusal to allow the Bund the use of its park; he drafted and sent a letter of protest to the American Legion because of statements made at the Legion Convention about the German Army; he prepared and sent a letter to Judge Neelen, criticizing the judge for freeing disturbers of a Bund meeting; he sent telegrams of protest to the Attorney General of Wisconsin and to the Attorney General of the United States demanding an investigation when use of the Milwaukee Auditorium was denied to the Alliance; and it was he who led the successful court fight for the Alliance to obtain its use, based principally upon his testimony that no connection existed between the Bund [fol. 46] and the Alliance. At times he sent out letters of protest in behalf of the Alliance without its consent, and he frequently had protests drawn up ready for approval in advance of Alliance meetings. A meeting of the Alliance had been scheduled for December 10, 1941 (3 days after Pearl Harbor), but the defendant and the secretary were the only ones who showed up, whereupon defendant Knauer postponed the meeting indefinitely because of "bad weather".

40. The defendant Knauer had knowledge of the real aims and purposes of the Bund: He at one time referred

to this organization as "the Fuehrer's grip on American democracy"; he assisted Froboese in the direction and activities of the Bund; he knew of the connection between Froboese and the German Consulate in Chicago, as well as the Foreign Institute in Stuttgart. Notwithstanding this knowledge, the defendant assumed the role of champion and defender of the Bund: In writing to Judge Neelen he referred to the judge's remarks against the Bund as a "slander of a patriotic American organization"; he wrote a critical letter to a Kenosha minister because he had appeared before the Kenosha City Council opposing the Bund's use of the Kenosha park; he wrote a letter to "The Milwaukee Journal" for publication wherein he defended the Bund as an organization rendering "valuable service" to the United States; he wrote to the Board of Directors of the Milwaukee Auditorium saying that the charges against the Bund were a "simple myth"; he wrote [fol. 47] to the Milwaukee Common Council demanding criminal proceedings be instituted against disturbers of a Bund gathering; he published an open letter responding to the Turnverein's condemnation of the Bund, saying it was "a declaration of war directed not only against the Bund as such, but against all Americans who are loyal to the country of their adoption, but show admiration and respect to their native country"; he wrote to the F.B.I. demanding that something be done to stop these "slanderous attacks against an orderly organization"; he prepared and secured the adoption of a resolution by the Alliance calling on the police to prevent a recurrence of disturbances at Bund meetings; he wired Judge James G. Wallace of New York, after his sentencing of National Bund Leader Fritz Kuhn, "Congratulations for having become nationally famous as a party of Jewish conspiracy to crucify Kuhn on stolen evidence," and gave newspaper publicity to this telegram; he personally appeared before the license committee of the Milwaukee Common Council when it was considering the revocation of the Highland Cafe license, and attacked the investigation as unwarranted persecution, and threatened reprisal which "* * * is liable to backfire upon this committee by arousing German-American citizens * * * and it can create a counter pressure you never dreamed of," adding, "We are taking up the challenge," and when the license committee did revoke the Highland Cafe's license he sent a telegram of protest;

he was the prime mover in the creation of a fund to finance an appeal to the courts to test the validity of the revoca-
[fol. 48] tion of the Highland Cafe license; and when the court refused such reinstatement, he wrote a letter to the judge threatening reprisal.

41. Defendant Knauer was active in his assistance to Bund Leader Froboese, and collaborated with him in the management and direction of the Bund and in carrying on Bund correspondence. He helped in the preparation of Froboese's speech to be delivered and in resolutions to be submitted at the 1938 national Bund convention in Chicago. He assisted Froboese in the preparation of articles for insertion in the newspaper, "Weckruf." During Froboese's absence from the city the lady acting as his secretary had instructions to contact the defendant Knauer for advice concerning Bund work. Defendant Knauer and Froboese conducted farewell parties for skilled workers recruited to work in Germany. Froboese and Knauer literally worked "hand-in-glove" to promote the Bund and carry out its purposes. At Froboese's funeral, defendant Knauer eulogized him as a friend and comrade who was the "most persecuted man in Milwaukee."

42. In the year 1936, which was prior to his naturalization, defendant Knauer attended Bund meetings at the Forst Keller and at Camp Hindenburg. He enrolled his daughter in the Jugendschaft of the Bund. He attended a majority of the meetings of the Bund held at the Highland Cafe. He was a stockholder in the Grafton Settlement League. At public gatherings of the Bund he frequently executed the Bund salute and used the salutation, "Heil," "Seig Heil," or "Free America." He owned a cottage at the Bund camp where he had frequent conferences with Froboese.

[fol. 49] 43. There are numerous instances of intimate cooperation between the Alliance and the Bund. At the meeting of February 3, 937, the minutes of the Alliance relate a discussion on the introduction and promotion of D. H. V., the economic branch of the Bund, and that defendant Knauer expressed himself in favor of engaging upon this program. The swastika flag which was torn down at the German Day celebration of the Federation of German-American Societies was presented to the Alliance by Dr. Tannenburg, acting Consul General of the German Reich.

The Bund camp at Grafton was used for Alliance affairs. When a Bundsman was fatally injured at the Bund camp, the Alliance attended his funeral in a group. On another occasion the Alliance dropped its plans to conduct a celebration when it conflicted with a Bund celebration. It gave assurance of full support of the Bund Concord Day celebration in 1937. The Alliance supported the Bund's regional meeting at the Milwaukee Auditorium, supported a Christmas celebration of the Bund Youth Group, supported the Bund's Solistice celebration by advertising and promotion, and accepted the Bund Youth Group into the Alliance upon the request of Froboese. Conversely, a benefit performance was given in 1939 by the Youth Group of the Bund whereby funds were raised for the Alliance, and Bund O. D. protection was given to Alliance-sponsored movie evenings at which occasions defendant Knauer was the principal speaker. The Alliance frequently adopted or approved letters or telegrams which had been prepared [fol. 50] by defendant Knauer in support of Bund activities. In fact after the Alliance was formed, practically all Bund activities received its whole-hearted support.

44. Defendant Knauer was intensely anti-Semitic both prior and subsequent to his naturalization. Frequently he preached racial discrimination against the Jews. He publicly lauded Bund members as "gentile patriots," and denounced Bund opponents as "Jewish agents" and "Jewish puppets." He assisted George Froboese in composing the text of an anti-Jewish resolution demanding a "white-gentile ruled United States," which was introduced at the 1938 national Bund convention.

45. National and local leaders of the Bund considered the Youth Groups, known as the Jugendschaft, as very important and the training of sub-leaders of this group was stressed. The Milwaukee unit of the Bund sent its sub-leader to Germany for a course of training at the V. D. A. school near Berlin. Upon his return to Milwaukee he attempted to put his training into practice through talks and lectures to the Jugendschaft. The national headquarters of the Bund issued orders governing the activities of the Milwaukee unit of the Jugendschaft, among others. Instruction letters, together with books and pamphlets, teaching German history and national socialism were placed at the disposal of members of the Milwaukee Jugendschaft

unit as source material for the preparation of lectures to be given at "Home Evenings." As early as October, 1936, [fol. 51] prior to his naturalization, defendant Knauer enrolled his daughter, then ten years of age, into the Milwaukee Jugendschaft unit of the Bund. He visited and attended meetings of this group at the Bund camp and at the Highland Cafe; and at times he brought his daughter to Home Evening meetings and called for her. When the Milwaukee Bund leader at a meeting of the Alliance pictured the pro-Nazi reputation of the Bund as a hindrance to the growth of the Jugendschaft and requested that the Alliance undertake the sponsorship of this group, defendant Knauer favored the move and the Jugendschaft was admitted to membership in the Alliance.

46. The Wisconsin Federation of German-American Societies, under the leadership of Mr. Bernard Hoffman, frequently opposed the pro-Nazi attitude of the Bund and of the Alliance. Although Mr. Hoffman was proud of his German blood, he was at all times a loyal, patriotic American. Consequently a new approach was made to win societies away from the federation. Defendant Knauer and George Froboese conceived and sought to bring into being a new "United Front" movement. They promoted a meeting of approximately 100 delegates from various German groups at the Atlantic Hotel in Milwaukee on March 12, 1940. Both Knauer and Froboese addressed the meeting. When a delegate stated persons were present at the meeting whom the American public would not support, Froboese replied, "We do not have to have the support of public opinion. Give me my Germans and I will do the job." This United Front movement provoked a statement from the Wisconsin Federation of German-American Societies, to wit, [fol. 52] "The present agitation is not motivated by a desire to aid German-Americans, but (is) just another 'front' for the activities of those elements whose bunds and alliances are by now utterly discredited all over the country."

47. Defendant Knauer had knowledge of the real aims and purposes of the Bund. He was also fully aware of the deep resentment of the loyal German-American elements in Milwaukee toward the Bund and the Alliance because of the public mistrust and prejudice toward them engendered by Bund and Alliance activities. Notwithstanding such knowledge, the defendant continued vigorously his

defense of and interest in various Bund activities as hereinabove described.

48. Defendant Knauer was well acquainted with National Bund Leader Fritz Kuhn, for whose defense he solicited funds, with Bund leader Kunze, and with Dr. Otto Willumeit, whose trial in Chicago he attended, as well as other national officers of the Bund. He knew and corresponded with Wilbur Keegan, national legal counsel for the Bund, with whom he conferred relative to this denaturalization proceeding many months before it was even commenced. He was a regular subscriber and reader of the "Weckruf," the official organ of the Bund, as well as "Facts in Review," a publication issued and circulated by the German Library of Information, a propaganda agency supported by the German government.

49. A secret group, known as "sympathizer-members," [fol. 53] which was a recognized type of membership under a Bund command, comprised a considerable proportion of the membership of the Milwaukee unit of the Bund. Membership lists in the Bund were kept secret. In addition to the precaution of secrecy, the sympathizer members were permitted to enroll under fictitious names. A large part of the records of the national headquarters of the Bund, including membership lists, were destroyed upon order of the national Bund Leader.

50. I find as a fact that the defendant was a member of the Milwaukee unit of the Bund; that he was so considered by its officers and members; that most of his interests and activities were in behalf of the Bund; and that, though completely aware of its aims and purposes, he deliberately vigorously promoted the objects of the Bund.

51. Prior to and after his naturalization, the defendant was an adherent of and continuously preached the national socialist concept of racial unity among those of German blood. He strove by act and utterance to bring about a spiritual revival and political unification of American Germandom. As early as the year 1937, the defendant addressed members of the Alliance on the subject of the German volk, stressing the idea that they were a part of the "Deutsches Volkstum," saying, "With the rise and fall of the German nation, we rise and fall." He emphasized to Alliance members it was their duty and obligation to the

fatherland to protest against a statement by the then Governor Heil which belittled the German Army.

[fol. 54] 52. In 1941 defendant Knauer wrote to Wendell Willkie, "In spite of your very thin German blood we _____ deny you the right to speak in behalf of the German-American element . . . if a man has turned to become a bowing servant of not only our pro-British Administration, but also of the British King . . . this man shows his unworthiness . . ."

53. Defendant Knauer held himself out as the political spokesman of the German-American population of Milwaukee and vicinity, notwithstanding the fact that the groups he represented constituted but a small minority. In this self-assumed role he sought to establish the Alliance as an instrument of political retribution against those who opposed the objects of the Bund in the United States or interfered with its program of service to German government interests. In a letter to Governor Julius Heil protesting an insult to the "great German nation," he prophesied, "You have condemned yourself to the political ash can." The defendant, together with Froboese, threatened the manager of radio station WEKF and his family with personal harm and the station with an advertiser boycott unless the German Hour, which had been cancelled for playing the Horst Wessel song, was returned to the air.

54. Prior to and after his naturalization, defendant Knauer frequently assisted the German government, its representatives and consular officials, in the promotion and accomplishment of matters advancing German interests in [fol. 55] the United States: (a) The defendant wrote at least three letters to Adolph Hitler in the year 1938, copies of which were sent to Heinrich Himmler, Rudolph Hess, and Ernst Bohle of the Deutsches Ausland Institut. One such letter contained a list of 700 German nationals; another was a birthday greeting to Hitler; and another was a redrafted constitution of the Protective League. (b) The Winter Aid work of the German people was officially conducted by the German Reich. Inaugurated by Hitler, it was administered from the beginning by the German Ministry of Propaganda. The German consulates supervised the solicitation and collection of funds in the United States. One medium for raising these funds was "one-

plate dinners." (Ein Topf Essen). As early as the winter of 1934-35 defendant Knauer published his first appeal for German Winter Relief contributions. In 1937 he was the speaker at a one-plate dinner held at the Highland Cafe. (c) In the year 1939 the German consulate in Chicago supervised the recruiting of skilled workers in this area to return to Germany for work in German industries. In Milwaukee this recruiting was conducted at the Highland Cafe by Eugene Buerk and the defendant. They interviewed applicants twice or three times a week, as many as 35 in a day. Private preliminary interviews were given in a side room of the cafe. The applicants would wait in the barroom until called by the defendant in their turn from a prepared list. Every three or four weeks the German Consul of Chicago would come to the cafe, accompanied by [fol. 56] the defendant, Froboese and Buerk, to interview the recruits for a second and final time. The defendant actively participated in these interviews. At intervals farewell parties were given at the cafe for these returning workers and their families, which parties were led by the defendant and Froboese. Upon the closing of the German consulates in the United States, Buerk returned to Germany on the Liner "Drottingholm" with German consular officials. The defendant attended the farewell party given for Buerk.

55. In addition to evidence hereinbefore outlined, such additional evidence was introduced showing defendant's allegiance and fidelity to the German Reich. Some items worthy of mention are: As early as September 2, 1937, the defendant sent a satirical poem to a Milwaukee newspaper for publication. It was entitled, "Blame the Nazis." In a letter to a Protestant clergyman, Knauer sought to justify Germany's exercise of control over churches. In August, 1938, while a clergyman addressed a convention of insurance men saying that ministers in Germany were imprisoned for telling the truth, the defendant arose in the audience and shouted, "It's a lie." He was forced to leave the hall. In February of 1941, the defendant wrote to the Governor of Wisconsin, "It is unfortunate that you as Governor * * * and with your so-called German blood * * * have lowered the dignity of and respect for your august position by adding 'disparaging remarks' about the leadership of the country of your origin while addressing

soldiers at Camp Grant. * * * thus insulting the great [fol. 57] German nation." In April, 1943, the defendant wrote Attorney General Biddle, expressing his "shock" at the "cruel and unusual punishment" in the Stephan case (Stephan was sentenced to death for treason), calling the sentence un-American and a challenge to common sense of justice.

56. The fervor and intensity of defendant's fidelity to the German Reich and Adolph Hitler is demonstrated by the 1938 birthday greeting sent to Hitler by the defendant jointly with Bund Leader Froboese, to wit, "In blind obedience we follow you." Although defendant Knauer is and was a man of great energy and fervor, the record is barren of evidence of a single activity which reflects loyalty on his part to the United States. On May 2, 1938, the defendant at a meeting of the Alliance read a leaflet entitled, "America, the Garbage Can of the World."

57. On the day of his naturalization the defendant was in agreement with the principles of the German-American Bund, which have been described in Part I of the findings herein.

58. The defendant stated to the secretary of George Froboese that his American citizenship was a good thing to hide behind.

59. Upon all the evidence the court finds that the defendant's attitude with respect to fidelity and allegiance to the United States, as well as his attachment to the principles [fol. 58] of the Constitution of the United States, were the same at the time the defendant was naturalized as during the years 1937 through 1941.

60. The attachment of the defendant Knauer in the year 1931 to the aims and objects of Hitler's National Socialist movement, his allegiance and attachment to the Third Reich as manifested by his statements and his frequent use of the Nazi salute in public, his devotion to and promotion of the display of the swastika flag and ceremonies using it in symbolic pledge of fidelity to the Reich, his fierce concern over the good name and honor of the German race, his bitter and acrimonious denunciation of everything which interfered with or stood in the way of the fortunes of the German Reich, his belief in and advocacy of the German racial

concept of duty and obligation of all Germans to the fatherland regardless of citizenship, his belief in and attachment to the principles and concepts of National Socialism, his espousal of the aims and objects of the German American Bund and his active participation therein for the promotion of its aims and objects, his promotion and domination of the German-American Citizens Alliance to further the aims and objects of the Bund, his uninterrupted effort by word and deed to politically activate our German-American people in the interests of the German Reich, his persistent efforts among German-Americans, by means of charitable programs, speeches and movie films, to revive in them a [fol. 59] feeling of fidelity and loyalty to the German Reich, the assistance he rendered to the consular representatives of the Reich in the attainment of matters advancing German interests, his fervent devotion and blind attachment to the Fuehrer at a time when the German Reich was hostile to the United States, his lack of affection for or devotion to the United States, his cynical evaluation of his own American citizenship, as well as the evidence in its entirety, can be interpreted only as establishing, and I so find, that the defendant at the time he filed his petition for naturalization did not in good faith intend to renounce absolutely and forever all allegiance and fidelity to the German Reich, and at the time of his naturalization and at all times thereafter the defendant did not in fact renounce and abjure all allegiance and fidelity to the German Reich, but intended to retain and did retain allegiance and fidelity to the German government.

61. Defendant's belief in and adherence to the concepts of National Socialism as practiced by the Nazi Party in Germany and the German-American Bund in the United States, his activities in promoting the establishment of these concepts in the United States, his opposition to the constitutional principle of political and racial equality of all persons under law regardless of race and color, as evidenced by his campaign of race defilement particularly against the Jews, as well as the evidence in its entirety, [fol. 60] can be interpreted only as establishing, and I so find, that the defendant Knauer at the time of his filing his petition for naturalization, at the time of his naturalization, and at all times thereafter was not in fact attached to the principles of the Constitution of the United States and did not intend to support the same.

Conclusions of Law

1. This court has jurisdiction of the parties to this action and to the subject matter thereof.

2. The order of the Circuit Court of Milwaukee County, Wisconsin, entered on the 13th day of April, 1937, admitting the defendant to citizenship in the United States of America, and Certificate of Naturalization No. 4188490 issued to the defendant, pursuant to that order, were fraudulently and therefore illegally procured by the defendant and should be revoked, set aside, and cancelled.

Comment

The foregoing findings of fact and conclusions of law have been made after an opportunity has been afforded to examine the decision of the United States Supreme Court in *Baumgartner v. United States of America*, decided June 12, 1944.

This case is clearly distinguishable from the Baumgartner case. Here there was evidence showing the at- [fol. 61] titude of the defendant prior to the date that he took his oath on April 13, 1937, which made him a citizen. Furthermore, his strong adherence and belief in the principles of the German-American Bund, which this court has found to be subversive and contrary to the principles announced in the Constitution of the United States, convince me beyond a reasonable doubt that the defendant practiced fraud when he obtained his certificate of naturalization,

Dated at Milwaukee, Wisconsin, this 16th day of June, A. D. 1944.

(Signed) F. Ryan Duffy, Judge.

[File endorsement omitted.]

[fol. 62] IN UNITED STATES DISTRICT COURT

Civil Action No. 955

UNITED STATES OF AMERICA, Plaintiff,

vs.

PAUL KNAUER, Defendant

JUDGMENT—Filed July 7, 1944

The Court having made its findings of fact and conclusions of law, wherein judgment is directed as hereinafter provided:

Now, upon motion of Carl R. Becker, Assistant United States Attorney,

It Is Ordered and Adjudged that the order of the Circuit Court of Milwaukee County, Wisconsin, made on the 13th day of April, 1937, admitting the defendant Paul Knauer to citizenship in the United States of America, be and hereby is revoked, set aside, and cancelled.

It Is Further Ordered and Adjudged that the Certificate of Naturalization, Number 4188490, issued to the defendant, Paul Knauer, by the Clerk of the Circuit Court of Milwaukee County, Wisconsin, be and the same hereby is revoked, set aside and cancelled.

It Is Further Ordered that the defendant, forthwith, upon service of a copy hereof, surrender to the Clerk of this Court said Certificate of Naturalization.

It Is Further Ordered that the defendant, Paul Knauer, forever desist and refrain from claiming any rights, privileges, benefits or advantage whatsoever under said order of admission to citizenship and said Certificate of Naturalization.

[fol. 63] It Is Further Ordered that a certified copy of this judgment be mailed by the Clerk of this Court to the Commissioner of Immigration and Naturalization of the Department of Justice, and to the Clerk of the Circuit Court of Milwaukee County, Wisconsin.

Dated: July 7th, 1944.

F. Ryan Duffy, District Judge.

Entered this 7th day of July, 1944.

B. H. Westfahl, Clerk of Court.

[File endorsement omitted.]

[fol. 64] IN UNITED STATES DISTRICT COURT

[Title omitted]

NOTICE OF MOTION—Filed July 12, 1944

To the Office of the United States District Attorney, Federal Building, Milwaukee, Wis.

Please Take Notice that the undersigned will bring the annexed motion on for hearing before the United States District Court for the Eastern District of Wisconsin, presided over by the Honorable F. Ryan Duffy, District Judge, on July 17th, 1944 at 10 A. M. or as soon as the matter may be reached for hearing.

Dated at Milwaukee, Wisconsin, this 12th day of July 1944.

P. Knauer.

[File endorsement omitted.]

[fol. 65] IN UNITED STATES DISTRICT COURT

[Title omitted]

MOTION FOR STAY OF EXECUTION OF JUDGMENT—Filed July 12, 1944

Now comes the defendant Paul Knauer, represented by himself, and moves the Court to grant a stay of execution of its judgment entered July 7th, 1944 pending appeal.

Dated at Milwaukee, Wisconsin, this 12th day of July 1944.

P. Knauer.

[File endorsement omitted.]

[fol. 66] IN UNITED STATES DISTRICT COURT

[Title omitted]

NOTICE OF APPEAL—Filed July 19, 1944

Notice is hereby given that defendant in the above entitled action hereby appeals to the Circuit Court of Appeals for the 7th Circuit, in the City of Chicago, State of Illinois, from the judgment and the whole thereof entered in the above entitled action on the 7th day of July 1944.

Dated at Milwaukee, Wisconsin, this 19th day of July 1944.

P. Knauer.

[File endorsement omitted.]

[fol. 67] Bond on appeal for $250.00 omitted in printing.

[fol. 68] IN UNITED STATES DISTRICT COURT

[Title omitted]

STATEMENT OF APPELLEE—Filed July 25, 1944

As required by Section 3 of Rule 10 of the United States Circuit Court of Appeals, appellee makes the following statement:

Name of appellee: United States of America.

Attorney of record for appellee: Timothy T. Cronin, United States Attorney; Carl R. Becker, Assistant United States Attorney, Federal Building, Milwaukee, Wisconsin.

Dated this 25 day of July, 1944.

Carl R. Becker, Assistant United States Attorney.

[File endorsement omitted.]

[fol. 69] IN UNITED STATES DISTRICT COURT

[Title omitted]

ORDER EXTENDING TIME—Filed August 28, 1944

The defendant and appellant herein having heretofore filed his notice of appeal herein and the security for costs in connection therewith, now on motion of H. William Ihrig, his attorney,

It Is Ordered that the time within which said defendant and appellant shall file the certified transcript of the record on appeal with the clerk of the United States Circuit Court of Appeals for the Seventh Circuit and take such other steps in connection therewith as is required by law and the rules in such case made and provided, including the docketing of said appeal with the clerk of said United States Circuit Court of Appeals for the Seventh Circuit, be and the same hereby is extended to and including the 7th day of September, 1944.

Dated at Milwaukee, Wisconsin, this 28 day of August, 1944.

F. Ryan Duffy, U. S. District Judge.

[File endorsement omitted.]

[fol. 70] In United States District Court

[Title omitted]

Application for Order Granting Leave to Prosecute Appeal in Forma Pauperis—Filed August 30, 1944

Now comes the defendant and appellant Paul Knauer, by H. William Ihrig, his attorney, on appeal, and moves the above court on the attached affidavit and petition of Paul Knauer, defendant and appellant herein, for an order herein granting said defendant and appellant leave to prosecute his appeal herein in forma pauperis from the date hereof, without prejudice to the security for costs on file herein, as provided by Section 832 of Title 28 of the United States Code, and without his being required to prepay fees or costs or for the printing of the record in the appellate court or to give security therefor, upon his said appeal to the United States Circuit Court of Appeals for the Seventh Circuit or to the United States Supreme Court, including all appellate proceedings.

Dated at Milwaukee, Wisconsin, this 28th day of August, 1944.

Paul Knauer, Defendant and Appellant, by H. William Ihrig, Attorney for Defendant and Appellant, 759 North Milwaukee Street, Milwaukee, Wisconsin.

[fol. 71] IN UNITED STATES DISTRICT COURT

[Title omitted]

AFFIDAVIT OF PAUL KNAUER—Filed August 30, 1944

STATE OF WISCONSIN,
Milwaukee County, ss:

Paul Knauer, the defendant and appellant in the above entitled action, being first duly sworn, on oath deposes and says that he makes this affidavit in support of an application in the above entitled appeal for leave to prosecute said appeal on his own behalf to the United States Circuit Court of Appeals for the Seventh Circuit, in forma pauperis under Section 832 of Title 28 of the United States Code and the laws in such case made and provided;

That petitioner makes a part of this affidavit all of the records, files and proceedings heretofore had herein;

That since on or about July 1, 1944, petitioner has lived with his family at 729 West Center Street, Milwaukee, Wisconsin, where he has a combination residence and office from which he conducts his business as a general insurance salesman compensated on a commission basis, said premises being rented by petitioner and affiant;

That for about eight years previous to July 1, 1944, he had his residence and office at 2611 West Lisbon Avenue, Milwaukee, Wisconsin, where he rented the same and operated his business therefrom, but which he was compelled to remove from at the demand of a purchaser of said premises from the said landlord of affiant, which purchaser demanded possession;

[fol. 72] That the affiant's sole income is by virtue of his employment as an insurance salesman doing business on a commission basis; that since the above entitled action was commenced against affiant in February 1943, he operated his insurance business under the name of Paul Knauer and Associates and that he has more recently changed the name under which he has being doing such business to Reliance Insurance Agency; that he has had sub-agents working for him but that the said litigation has resulted in his loss of a number of said sub-agents; that since February 1943 when the above action was commenced five of the insurance agency contracts outstanding in affiant's favor under which he wrote insurance business and solicited the same and col-

lected premiums therefor and retained his commissions therefrom, have been cancelled or terminated at the instance of his principals under such insurance salesman and agency contracts, and that this has reduced materially affiant's ability to make a living and carry on his business;

That affiant formerly held an agent's license to transact the business of a real estate salesman but that this was also terminated by his principal and that he is without income from this employment;

That under the Wisconsin Statutes the occupations of real estate salesmen and insurance salesmen are endeavors which require previous issuance of state authorization for execution of the same and that affiant's skill and usual employment has been that of a salesman of insurance and sometimes of real estate in the city and county of Milwaukee, Wisconsin;

That dependency is had by affiant on other licensed brokers and general agents for the issuance of sub-licenses to affiant as a salesman in order for him to engage in his said business, and that the publicity in connection with the within action since February 1943 and prior thereto in connection with publicity in the press in connection therewith, has caused an apparent effective pressure of some public or private opinion to be influential in restricting affiant's employment by others in Milwaukee and Wisconsin upon whom affiant would be dependent for the discretionary granting of a salesman's license authorization so that affiant's means have been reduced and his income and employment restricted.

[fol. 73] That affiant's means consist of the following: (1) his usual occupation of insurance salesman; (2) a 1936 Ford automobile driven over 109,000 miles and used and necessary to affiant in his business as an insurance salesman; (3) a vacant improved lot in Whitefish Bay on which there are delinquent real estate taxes and which affiant has advertised for sale in the newspapers and offered private without being able to sell the same or to receive an offer therefor; (4) life insurance policies which are all borrowed on and are security to such loans; (5) the household and office furniture (used) and of nominal value below the exemption in connection therewith provided by state laws providing for exemption from seizure on execution; and (6) his personal effects exempt from execution under

the laws of the state of Wisconsin, also of nominal value. That affiant does not have any cash or accounts not belonging to his insurance principals, in connection with the operation of his business as an insurance salesman;

That affiant's income consists of not in excess of $175 a month at the present time gross, from which must be deduced the expenses of conducting his business to insure its continuance and provide for the living necessities of his wife, an 8-year old son and an 18-year old daughter, as well as affiant, and that such gross income does not now enable affiant to have for personal living expenses other than is necessary for the carrying on of the expenses of said business, an amount exceeding the exemption from garnishment provided by law in Wisconsin;

That except for said vacant lot referred to above, which is subject to outstanding taxes of at least $500 and which affiant has been unable to obtain a purchaser for to net an amount above the said taxes and expenses of sale and except for said life insurance which is pledged to secure the policy loans thereon, and in connection with which affiant is without means to liquidate the same, that all of the assets and the current rate of income of affiant is exempt from seizure under execution under the laws of the state of Wisconsin.

[fol. 74] That affiant's wife assists affiant in the operation of his insurance office but that she does not receive any income therefrom, and that she also is a housewife conducting the home of the affiant and herself and their children; that the 8-year old son of affiant does not have any employment and that the 18-year old daughter of affiant has only recently completed her high school and has been employed a short time since her graduation from high school, this summer, in an effort to obtain tuition to go to college this fall so as to fit herself to make her own liv-lihood; that said two children mentioned of affiant are American born citizens, having been born to affiant and his wife at Milwaukee County, Wisconsin;

That the cost of filing fees, witness fees and copies of depositions and the expenses of bring- Mrs. George Froboese from an internment camp to the trial to testify, has exceeded the cash total of $250, which affiant paid as required by rules of court or stipulations of the parties.

That affiant after filing his notice of appeal herein on July 19, 1944, retained the services of attorney H. William Ihrig, who was apparently familiar with the denaturalization proceedings at Milwaukee of which this case was one, inasmuch as said attorney had represented a number of the other defendants as attorney or counsel, but that said affiant was unable to pay for the services of said attorney from his own means or income except as he has received donations in trust for the payment of such expenses of appeal as would be covered by such donations, and that affiant has a written understanding with said attorney restricting and limiting the amount to be paid to said attorney to the amount affiant has hopes of receiving from others to permit him to make such commitment inasmuch as affiant is without means to do so on his own behalf;

That affiant has paid to his said attorney the premium for the first year on the cost bond of $250 filed with the clerk of the above court on July 22, 1944, from his own funds and the further sum of $250 received from others in trust as above mentioned for application on the purchase of the transcripts of testimony necessary to perfect the record on appeal, but that affiant is advised by his said attorney that said $250 will not cover the cost of the entire transcripts [fol. 75] as said attorney deems necessary on said appeal; that in connection therewith said attorney advised the client that the clerk's costs for certifying the transcript of testimony less than the whole would exceed in excess of $250 without relationship to such folio costs for comparing other portions of the record and without reference to that incidental to the exhibits, if less than an entire exhibit is used, and that in connection with such appeal affiant has been advised by his said attorney that it would be more economical to obtain the entire transcripts of said testimony and transmit the entire exhibits referred to therein than to abstract the same and pay the folio costs to the clerk in compliance with the rules of the court;

That affiant is without means to obtain such transcripts and also to pay such folio costs and that he is unable to pay either of them from his own means or income;

That affiant has been advised by his said attorney above referred to that said attorney believes that affiant is entitled to the redress he seeks in such appeal;

That affiant believes he is entitled to the redress he seeks in such appeal seeking to vacate and set aside said judgment of July 7, 1944, cancelling certificate of naturalization #4188490 issued to affiant by the Clerk of the Circuit Court of Milwaukee County on April 13, 1937, and obtaining the dismissal of the complaint in this action or of obtaining a new trial, because of error in said judgment and because of error in said trial and the proceedings leading thereto;

That because of affiant's poverty, as aforesaid, affiant is unable to pay the costs of said appeal other than giving the security for costs to the defendant as is now on file therein, and that because of such poverty of affiant, he is unable to prepay the fees or costs or to prepay for the printing of the record in the appellate court or to give security therefor, upon such appeal, to the U. S. Circuit Court of Appeals for the Seventh Circuit or in connection with any possible appeal or cross-appeal therefrom to the United States Supreme Court;

[fol. 76] Affiant has omitted from setting forth as a thing of value an old T. M. E. R. & L. Company street car sweeper purchased by him at Cedarburg a number of years ago for about $35. and placed upon leased ground and converted into quarters useable for summer cottage purposes. This is located about one mile north of Hamilton, Wisconsin, on a side road running to the Milwaukee River from the old Green Bay Road. The lease calls for $15. a year and requires consent of the lessor for transfer. This may be removed by affiant but because its removal would be more costly than its value or the proceeds of any removal, it has not been deemed to be an asset of value although it is an item of personal property owned by affiant.

That affiant is impoverished as set forth in this affidavit and does not have any cash or any trust funds with which to pay said costs and fees or to prepay for the printing of the record in the appellate court, or any assets which can be converted into cash and still permit affiant to pay the disbursements for perfecting the appeal record, other than services which this appeal will require, in addition to the costs and fees and prepaid expenses herein sought to be avoided due to his impoverishment, which impoverishment also prevents affiant from giving security for such costs upon such appeal.

That affiant is advised by his attorney above mentioned that an appeal in this case will be rendered an impossibility

because of affiant's in-ability to bear the cash disbursements required therefor, unless affiant is permitted to conduct his appeal from this point in forma pauperis.

Paul Knauer.

Subscribed and sworn to before me this 28th day of August, 1944. G. S. Salentine, Notary Public, Milwaukee County, Wisc. My commission expires June 27, 1948. (Seal.)

[File endorsement omitted.]

[fol. 77] In United States District Court

[Title omitted]

Motion for Order Denying Application for Order Granting Leave to Prosecute Appeal in Forma Pauperis; Filed August 30, 1944.

Upon all of the records, files and proceedings had herein; upon defendant's application for an order to prosecute an appeal in forma pauperis; upon the affidavit of Carl R. Becker, Assistant United States Attorney, hereto annexed; and upon such testimony as the Court may hear upon the issues thereby joined; plaintiff moves the Court for an order denying defendant's application for an order to prosecute an appeal in forma pauperis, on the following grounds:

1. That the defendant has heretofore given a cost bond with security which was approved by the Judge of the above-named court during the time allowed for appeal, which cost bond is in the penal sum of $250.00, and that consequently, under and pursuant to the provisions of Section 832 of Title 28, United States Code, the defendant is not entitled to proceed in forma pauperis; and that an order of the above-named court permitting the defendant to appeal in forma pauperis would be without authority, force or effect.

2. That the affidavit of the defendant, Paul Knauer, upon which said application for an order to prosecute defendant's appeal in forma pauperis is based, does not state

facts sufficient to entitle the defendant to appeal in forma pauperis.

[fol. 78] 3. That defendant's affidavit in support of said motion to proceed — forma pauperis is inadequate and insufficient in that the allegations thereof are uncertain and relative; and that the allegations thereof fail to state absolutely and with that certainty required by law that the defendant because of his poverty is unable to pay the costs of said appeal, or to give security for the same.

4. That the defendant is financially able to pay for the costs of said appeal, and is able to give security for said costs.

5. Upon information and belief, that the defendant has solicited from a great number of persons in Milwaukee County, funds and contributions to enable him to prosecute said appeal, which funds, upon information and belief are in the possession of the defendant, or other persons for and on behalf of the defendant; and that the defendant in his supporting affidavit has made an inadequate accounting of said funds.

Dated this 30th day of August, 1944.

Carl R. Becker, Assistant United States Attorney.

To: Mr. H. William Ihrig, Attorney for defendant and appellant, 759 North Milwaukee Street, Milwaukee 2, Wisconsin.

[fol. 79] In United States District Court

[Title omitted]

Affidavit of Carl R. Becker—Filed August 30, 1944

State of Wisconsin,
Milwaukee County, ss.:

Carl R. Becker, being duly sworn, upon oath deposes and says that he is an Assistant United States Attorney, and makes this affidavit in response to, and in opposition to the motion of the defendant for an order permitting him to prosecute an appeal in forma pauperis; that affiant makes this affidavit on personal knowledge and information, and

the official records of the Federal Bureau of Investigation coming into his hands as Assistant United States Attorney.

1. That annexed hereto and marked Exhibit "A" is a copy of a mimeographed appeal widely circulated by the defendant, and caused to be circulated by the defendant, in and about the City of Milwaukee, soliciting funds and contributions to enable him to finance his said appeal.

2. That annexed hereto and marked Exhibit "B" is a mimeographed circular prepared by the defendant, and widely circulated by the defendant, and caused to be circulated by the defendant during the month of July, 1943, which circular affiant verily believes was distributed and circulated by the defendant, and caused to be circulated by [fol. 80] the defendant, in and about the City of Milwaukee to win the moral and financial support of certain persons residing in said area, on behalf of the defendant in connection with his defense of the above-captioned action.

3. That this affidavit, and annexed exhibits are submitted to the Court to establish the fact that the defendant has made a wide appeal to certain persons residing in Milwaukee County for donations, contributions and funds to enable him to defend the above-entitled action and an appeal therefrom.

4. That the defendant has failed to account to the Court concerning his activities in regard to said solicitations, the identity of persons engaged by the defendant, or acting in his behalf in the solicitation of said funds, and the existence of funds in the hands of the defendant, his attorney, or other persons acting on behalf of the defendant; nor has the defendant accounted to the Court concerning pledges or promises of financial support, upon which the defendant may reasonably rely to defray the costs and expenses of his appeal.

Carl R. Becker.

Subscribed and sworn to before me this 30 day of August, 1944. Theodora E. Schwaab, Notary Public, Milwaukee County, Wisconsin.

[fol. 81] EXHIBIT "A" TO AFFIDAVIT

The Knauer Case

Never in German American history of Milwaukee a man has been more persecuted for his outspoken utterances in the interest of every man, woman or child of German descend than

Paul Knauer.

There is not a single person of German extraction in Milwaukee who has not heard or read about the hundreds of threatening telephone calls he has received during the past *five years* with the definite threat to "bump him off and blow his place of business up," with extortion threats, with threats to each and every member of his family.

Every one knows that an entire show window could be used for exhibition of threatening letters received from the same source for the last five years.

The worst venom *n* has been heaped upon the man and his entire family because he knows the pulse and heartbeat of each and every German American in this City and tries to help them against persecution, loss of work and chicanery caused by war hysteria.

Every one knows that Knauer's business, by his unselfish fight against German American persecution in this City, has been affected to such an extent that he can barely make his living.

In order to liquidate this man, the United States District Attorney, represented by Carl R. Becker, an assistant, the son of the president of the Bayrischer Krankenunterstuetzungsverein, has instituted a court procedure for denaturalization and has succeeded in obtaining a court order for cancellation of his citizenship.

And how did the district attorney succeed?

By the vilest, dirtiest, filthiest method, by introducing fabricated, falsified and perjured testimony, especially that of Mrs. Clara Merten, the government's principal humbug witness.

They are trying to fool the German Americans in Milwaukee again. They consider them dumb enough that they would not recognize the biggest fraud which was perpe-

trated on the United States District Court in Milwaukee by false testimony.

German Americans. Do not get fooled. The Knauer case means You and every member of your family. Not Knauer, but the entire German American minority is on trial.

[fol. 82] Therefore help Knauer to finance his appeal. Help him to fight back in a higher court and expose the foul tricks used in the United States District Court.

To help Knauer means to fight for clean Americanism.

Communicate with Knauer at 729 West Center Street, Tel. Concord 4764.

[fol. 83] EXHIBIT "B" TO AFFIDAVIT

Germanus Americanus

Dedicated to the martyrs of the mass persecution of German Americans in Milwaukee

Milwaukee, July 1, 1943.

Definitions:

1. An axman is one who has been defeated by democratic procedure, but appointed in spite of it and who has to chop wood whether he likes it or not.

2. The 8th world wonder is the quashing of a motion in U. S. District Court presented by the office of the U. S. District Attorney in the presence of "government counsel."

3. A countermotion filed by a defendant in a denaturalization case is like a mosquito. Therefore shake it off or catch it before it stings.

To defendant X:

You may attend your own hearing and watch the performance of your attorney, if there is any. The presence of 25 defendants in the same court room will not be considered a secret meeting. Secret meetings are held on the other side of the fence. They are called pre-legal conferences. No. You cannot buy a ticket to attend one of these meetings.

Schneiderman Case: Dear Russian:

Though the decision of the U. S. Supreme Court states that "our relations with Russia, as well as our views regarding its government and the merits of Communism are immaterial to a decision of this (denaturalization) case," we would like to see a judge who would courageously express corresponding ideas in a denaturalization procedure of German Americans.

To Mr. M. B. in re: Judge Duffy:

You asked whether the judge has shown bias and prejudice and discrimination and you refer to the statement of [fol. 84] the Milwaukee Journal of May 26, 1943, where Judge Duffy "questioned the *Italians, Rumanians and Hungarians* in a group, calling upon each applicant to answer questions as to whether they were purchasing war bonds or performing other war service, whether they had children in the armed forces and whether they were corresponding with their relatives in their native lands."

"*The Germans*, however, were admitted to the courtroom *singly* and Judge Duffy required each to swear that he had never been a member of the German-American bund or other alleged anti-American societies. He also inquired whether the German Aliens had ever visited Camp Hindenburg, the bund Camp near Grafton; when they had last visited Germany and, in cases where the aliens had lived in the United States for 50 years or so, the judge demanded to know why they had waited so long in applying for citizenship."

We believe your question is a highly insolent and impertinent one.

How could Judge Duffy have acted otherwise? He was appointed under the New Deal Administration.

How dare you to claim that he is biased and prejudiced?

He certainly likes the German Americans because he was elected by them before he was defeated as Senator. Furthermore, none of the attorneys of the various defendants in the denaturalization cases has ever filed a writ of prejudice against him on the basis of his judicial acts and utterances. If they don't, and they should know the law, how dare you to question his impartial and unbiased judgment?

Governor Goodland. Mr. ABC.

You are right. He never would have interfered in behalf of *the thousands of German Americans in his own state*, though their homes have been searched unlawfully and their property has been seized unlawfully and their bank accounts have been impounded without due process of law and though they have lost their jobs without stated reasons. He would not assist them because he knows they are only German Americans who are peaceful, taxpaying, never fomenting strikes, nor causing trouble, because he thinks they will vote for him anyhow again, even if they are kicked like dogs and because it would interfere with the war effort.

But of course the 50 motorists from Chicago might gang together and cause some political trouble to the governor. If he acts in this case, it would not interfere with our war effort.

[fol. 85] *FBI.* Dear Q:

The article in question has been printed in the Chicago Tribune of June 22, 1943 and reads in part as follows:

"Any of the innocent parties arrested there, conscious of his innocence and his rights under the Constitution might have addressed the meddlesome little men somewhat as follows:

I am not violating the law, and if I were, the Constitution prohibits you from forcing me to testify against myself. It makes me secure in my person and effects against the intrusion you are now practicing. If you think I'm not telling the truth, it is your privilege to get the evidence against me and take me into court. Meanwhile, gentlemen, you can go to hell."

We leave it to your imagination whether this article refers to the unlawful seizures and searches and inquisitions in German American homes in Milwaukee as practiced by the FBI.

Senators LaFollette and Wiley. Mrs. SM:

Please be patient. We have seen a great number of letters which read:

"Your letter comes while Senator LaFollette is spending a few days at home in Wisconsin. On his return, I will be glad to bring this matter to his attention. Or

"Referring to your letter, I am enclosing a letter which is self-explanatory. As soon as I receive further word, I shall be glad, to advise you.

Yours for Victory, Alexander Wiley."

But, if you should never hear again from them, please do not cry. You are not the only one among the crowd. They are probably still in the middle of their wintersleep or occupied with some problems presented by some alien minded idiots.

You shall hear from them shortly before the next election when they want your vote. And then they are so nice and polite and speak even German, if it is only "Prosit."

They have no understanding for the fact that your husband lost his job and that he cannot get another one. They cannot see your problem as that of a German American. Why don't you organize a luncheon club and invite them as speakers? It works. But, possibly, you would have to change your German name. A Russian name, at present, would be appropriate and is highly attractive. It intimates caviar, vodka and lots of Russian votes.

[fol. 86] *United States District Attorney.* Dear Max:

Do you realize what you have written? Of course the U. S. District Attorney does not only prosecute criminals, but protects also your rights as a U. S. citizen. You question the latter fact and ask us to state a single case where a German American who lost his job has ever been reinstated by the efforts of the office of the U. S. District Attorney.

We admit that we do not know of a single case ourselves, but if the radio says so we believe it must be so. However, we would advise you to get in direct contact with the office of the U. S. District Attorney.

They are nice fellows, if you do not step on their toes, but they are full of tricks.

Republicans. Dear Fred:

Republican organization leaders should pull no punches in dealing with the New Deal and its domestic policies. The mass persecution of German Americans started with the consolidation of 14 cases in an issue important enough to attract the entire German American vote. But please

steer clear from Wendell Wilke or his substitutes, who only betray the American public. Please keep people like Julius Heil out of any race, even that of senator. Heil has no understanding for the German American minority problem as he did not even use his influence and efforts as governor to have his faithful gardener released, a German alien, though he was served by him twelve of his most productive years, and should have vouched for his good moral character.

Our Predictions in the denaturalization cases in Milwaukee:
Hollywood-43:

In spite of the Schneiderman decision, not a single one of the 14 pending cases will be dismissed by Judge Duffy by order of Washington. The 14 defendants will become the victims of a farcial judicial procedure.

[File endorsement omitted.]

[fol. 87] In United States District Court

[Title omitted]

Supplemental Affidavit of Paul Knauer. Filed August 31, 1944

State of Wisconsin,
Milwaukee County, ss:

Paul Knauer, the defendant and appellant in the above entitled action, being first duly sworn, on oath deposes and says that he makes this supplemental affidavit in further support of his application in the above entitled appeal for leave to prosecute said appeal to the United States Circuit Court of Appeals for the Seventh Circuit in forma pauperis under Section 832 of Title 28 of the United States Code and the laws in such case made and provided.

That affiant amends his original affidavit herein relative to cancellation of five of the insurance agency contracts as being cancelled since February 1943 due to the facts that four were cancelled between March 3, 1942 and the commencement of this action in February 1943 by letters dated March 3, 1942, March 3, 1942, August 11, 1942 and August

19, 1942, and that one additional insurance agency contract was cancelled shortly prior to the original affidavit to which this is a supplement.

That with respect to life insurance business of which affiant was or is agent, he previously represented the Mutual Trust Life Insurance Company of Chicago, Illinois, which agency was terminated by letter dated August 11, 1942, effective September 11, 1942, and that the renewal commissions received by affiant from August 1943 to July 1944 inclusive was only the gross amount of $33.85, of which the July 1944 amount was $2.51; and that while affiant now [fol. 88] represents one life insurance company as an agent, and that from the time such agency was obtained in the spring of 1944 to the present time affiant has only received the total amount of $18.45 as commissions.

Paul Knauer.

Subscribed and sworn to before me this 30th day of August, 1944. G. S. Salentine, Notary Public, Milwaukee County, Wisc. My commission expires June 27, 1948. (Seal.)

[File endorsement omitted.]

[fol. 89] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF WISCONSIN

Civil Action No. 955

UNITED STATES OF AMERICA, Plaintiff,

v.

PAUL KNAUER, Defendant

OPINION ON DEFENDANT'S MOTION FOR LEAVE TO FURTHER PROSECUTE APPEAL IN FORMA PAUPERIS—Filed August 31, 1944

By judgment of this court dated July 7, 1944, the order entered in the Circuit Court of Milwaukee County in 1937 admitting defendant to citizenship was revoked and set aside, and the certificate of naturalization which was issued to him was cancelled by reason of the fraud of the defend-

ant in obtaining same. An appeal has been taken by the defendant, and he has filed a bond for security of costs. On defendant's motion an order has been entered in this court staying execution of the judgment pending the appeal.

Defendant's motion now before the court is for leave to prosecute his appeal to the Circuit Court of Appeals from this point on in forma pauperis. By affidavit defendant states that he is unable to purchase the stenographic transcript of the testimony taken at the trial, or to pay for the printing of the record on appeal, or to provide security [fol. 90] therefor. Defendant proceeds pursuant to Title 28, U. S. C. A., Sec. 832.

There may be grave doubt whether the defendant can qualify under said section, because it is specifically limited to citizens of the United States. Since July 7, 1944, defendant has not been a citizen. The authorities have held that citizenship is a condition precedent to the allowance of an order such as requested by the defendant. *Austin* v. *United States*, 40 F. Supp. 777; *The Bennington*, 10 Fed. (2d) 799; *The Memphian*, 245 Fed. 484; *Bellchamcar* v. *Beaver*, 49 F. Supp. 544.

The judgment appealed from cancelled the defendant's citizenship. A stay of proceedings does not reverse, annul, or undo what has already been done. 4 C. J. S., pp. 1150, 1151. But where, as here, the very judgment from which the appeal is taken is the cause of the defendant being an alien, and as the defendant seeks by the appeal to test the validity and the correctness of that judgment, I do not choose to rest my decision upon the ground that the defendant is not a citizen of this country.

Defendant's motion is directed first to the cost of the transcript of the testimony. He states the court reporter informs him the cost of such transcript will be $500.00, and that from donations which he has solicited or otherwise received he has only $250.00 with which to pay such charge, and that he has insufficient funds or property to pay the balance. However, the statute contains no authorization to [fol. 91] furnish an indigent defendant with a copy of the transcript at public expense. *Miller* v. *United States*, 317 U. S. 192. As was said by the court in *United States* v. *Otis*, 18 F. (2d) 689, 690:

"* * * As the Congress did not grant to the court the power to authorize payment for transcripts of

testimony for poor persons, the court has no such authority. United States v. Fair, (D. C.) 235 F. 1015."

Defendant also seeks relief from the cost of printing the record on appeal. This is clearly within the jurisdiction of the appellate court which may allow submission on the original record and waive the printing of any part thereof. *Fulton National Bank of Atlanta* v. *Cormley*, 99 F. (2d) 464, 465.

An order may be entered denying the defendant's motion.

Dated at Milwaukee, Wisconsin, this 31st day of August, A. D. 1944.

(Signed) F. Ryan Duffy, Judge.

[File endorsement omitted.]

[fol. 92] IN UNITED STATES DISTRICT COURT

[Title omitted]

ORDER DENYING MOTION FOR LEAVE TO PROSECUTE APPEAL IN FORMA PAUPERIS—Filed September 1, 1944

The motion of the defendant for leave to prosecute his appeal to the Circuit Court of Appeals in forma pauperis having been heard by the Court on the 30th day of August, 1944; and the Court having rendered his opinion thereon on the 31st day of August, 1944, wherein it was directed that an order be entered denying defendant's motion;

Now upon application of Carl R. Becker, Assistant United States Attorney,

It Is Ordered that the motion of the defendant for leave to prosecute his appeal to the Circuit Court of Appeals from this point on in forma pauperis, be and the same hereby is denied.

Dated this 1st day of September, 1944.

F. Ryan Duffy, United States District Judge.

[File endorsement omitted.]

[fol. 93] IN UNITED STATES DISTRICT COURT

[Title omitted]

ORDER STAYING EXECUTION OF JUDGMENT—Filed September 18, 1944

The defendant and appellant herein having heretofore filed his notice of appeal herein and the security for costs in connection therewith, and having heretofore filed his notice of motion to stay the execution of the judgment entered July 7, 1944, herein, pending the appeal, which motion heretofore came on to be heard, now on motion of H. William Ihrig, his attorney.

It Is Ordered that the provisions of the judgment heretofore entered herein on July 7, 1944, in favor of the plaintiff and against the defendant, be stayed herein pending the appeal of the defendant therefrom.

Dated at Milwaukee, Wisconsin, this 18 day of September, 1944.

By the Court,

F. Ryan Duffy, U. S. District Judge.

[File endorsement omitted.]

[fol. 94] IN UNITED STATES DISTRICT COURT

[Title omitted]

STATEMENT OF POINTS ON WHICH APPELLANT INTENDS TO RELY ON APPEAL—Filed September 12, 1944

The appellant intends to rely upon the contentions that the district court materially erred in the above action in the following respects:

1. In granting judgment revoking defendant's citizenship on the findings of fact and conclusions of law numbered I and II, dated May 25, 1944, and June 16, 1944, respectively herein.

2. In making its conclusions of law based on the respective findings of fact numbered I and II aforesaid.

3. In making its respective findings of fact numbered II dated June 16, 1944, in respect of the issues on the pleadings herein.

4. In making its respective findings of fact numbered I dated May 25, 1944, in respect of the issues on the pleadings herein and in respect of the evidence presented at the consolidated trial had herein,

5. In admitting the Government's testimony and exhibits over the objections made by or on behalf of this defendant in the consolidated trial.

6. In failing to grant the motions made by or on behalf of defendant in the consolidated trial to strike out specific government testimony and exhibits, as shown by the record.

7. In considering and failing to exclude from the record herein and consideration all testimony of events subsequent to the date of defendant's naturalization on April 13, 1937.

[fol. 95] 8. In admitting and failing to exclude from the record and its consideration all testimony and exhibits in the consolidated trial from this defendant's case which were obtained by unlawful search and seizure by U. S. Government agents from the national Bund headquarters at New York or from the Bund employes, officers, agents, or members, and moved to be surpressed herein when such facts were made known.

9. In considering from the record any findings relating to the Friends of New Germany and of the German-American Bund and of its predecessor and successor organizations and of their respective members, in defendant's case inasmuch as defendant was not a member of either organization.

10. In granting plaintiff's requested order for a consolidated trial with that of 13 other defendants, which order was dated June 16, 1943.

11. In granting plaintiff's requested order permitting rebuttal evidence by the 13 other defendants, in defendant's record, in said order of June 16, 1943 providing for a consolidated trial of certain issues in the cases of 14 defendants as to their separate cases.

12. In making the full consolidated trial record in said 13 other actions to be a part of the record in this action.

13. In permitting evidence of the alleged history of the Bund from 1924 to 1942 in defendant's case.

14. In allowing evidence in defendant's case of the alleged secret nature, aims and purposes of the Bund between 1924 and 1942, contrary to the expressed nature, aims and purposes of such organization.

15. In allowing evidence in defendant's case of the alleged amalgamation of the Bund with alleged American branches of the National Socialist German Workers party from and after June 1933.

16. In allowing evidence in defendant's case that the Bund was allegedly organized and conducted for German National Socialist purposes between 1924 and 1942.

[fol. 96] 17. In allowing evidence in defendant's case that Bund was connected with and controlled in thought and action by the Nazi party in Germany between 1924 and 1942.

18. In allowing evidence in defendant's case that the Bund modelled itself upon and imitated the Nazi party of Germany in its organization and in its activities between 1924 and 1942.

19. In allowing evidence in defendant's case that between 1924 and 1942 the Bund stood for and taught philosophical and political propositions of racial homogeniety and racial supremacy and of divided or double citizenship, inconsistent and in conflict with the naturalization oaths of allegiance of American loyalty and allegiance.

20. In allowing evidence in defendant's case that Bund in 1924 and 1942 was operated under and fostered a leadership principle of organization and loyalty and allegiance to the leader of the German nation inconsistent with and at odds with the democratic concept of government.

21. In allowing evidence in defendant's case that the Bund attempted to create dissension among the people of the United States by urging racial and religious discrimination among them.

22. In allowing evidence in defendant's case that Bund for a number of years prior to Pearl Harbor in 1941 published and distributed its newspaper organs in German and English in the United States, (a) to disseminate in

the philosophy and precepts of German national socialism, (b) to foster in it readers an allegiance to Germany, (c) to incite in its readers a contempt for democratic institutions and the government of the United States, (d) which newspapers were Nazi inspired, and (e) whose contents in a large part were material secured by the Bund from propaganda agencies in Germany controlled by the Nazi party there.

23. In allowing evidence in defendant's case that the Bund between 1924 and Pearl Harbor in 1941 received Nazi propaganda material from organizations in Germany and disseminated the same through books, pamphlets and leaflets distributed by Bund members over the United States at headquarters and at Bund camps and elsewhere.

24. In allowing evidence in defendant's case that the Bund [fol. 97] sponsored and arranged speaking tours for members of the German Nazi party sent to the United States to address Bund meetings and other gatherings on the philosophy of German national socialism.

24a. In allowing evidence in defendant's case that between 1934 and 1941 the Bund conducted camps at which German Nazi flags and paraphernalia were exhibited, Nazi literature and propaganda were displayed, distributed and sold and at which speakers expounded the theories of German national socialism and at which both adults and youths were allegedly taught the principles of German Nazism and exorted to be loyal to and preserve in their minds and lives the theories and philosophy of Germany over and above the theories and philosophies of the United States.

25. In allowing evidence in defendant's case that the Bund between 1924 and Pearl Harbor in 1941 sought to and did instill in its members an allegiance to Germany and to the Nazi party and its leaders, through the exhibition and use of such Nazi paraphernalia as the swastika and through the singing of such Nazi songs as the Horst Wessel song and through the display and repetition of slogans.

26. In allowing evidence in defendant's case that within the Bund there existed a uniformed group known as the Ordnungs Dienst and that such uniformed group was allegedly patterned after the Nazi storm troopers of Germany

and that it was allegedly a militant body of selected Bund members training in military techniques and designed to serve as a nucleus for larger and future military organizations if and when the alleged secret and hostile aims of the Bund were accomplished in the United States, and that it was allegedly used by the Bund to spread the secret philosophies of the Bund and the expressed philosophies of German national socialism, and to distribute literature and propaganda of German origin and thought.

27. In allowing evidence in defendant's case that between 1934 and Pearl Harbor 1941 the Bund organized and conducted a youth group which was allegedly modelled upon the Hitler Youth organization in Germany and that members of such youth group were taught the precepts of the Nazi philosophy and that they were taught to keep Germany and the German leaders and so-called German ideas foremost in their minds and to be loyal to them, and that they were taught to be German rather than American.

[fol. 98]

28. In allowing evidence in defendant's case that from and after 1935 there was a group within the Bund known as the Prospective Citizens League made up of German Nationals who had filed declarations of intention to become American citizens and that this division was created for the purpose of organizing and keeping them within the Bund and in order to prevent assimilation of such German Nationals in American life and to foster in them an adherence to the Nazi cause and to German National Socialism as allegedly represented by the Bund in this country.

29. In allowing evidence in defendant's case that there was within the Bund a group known as sympathizers and that this designation was devised to cancel the affiliation of certain persons with the Bund and that such sympathizers were in fact members of the Bund engaged in all the activities of the Bund and enjoying all the rights and privileges pertaining to Bund membership.

30. In allowing evidence in defendant's case that there were branches of the Bund at Milwaukee and at Kenosha and at Sheboygan, Wisconsin, and that these branches or units were militant branches of the Bund and that they had identical objects and purposes with the other Bund branches and that these Wisconsin branches were controlled by and were subordinate to the national leadership and that these

Wisconsin branches taught and preached the aforementioned racial homogeneity and supremacy theories or propositions and promoted and disseminated the same literature and that the Milwaukee branch owned and controlled a typical Bund camp at Grafton, Wisconsin, and sang the same songs and used the same slogans.

31. In allowing evidence in defendant's case that the Milwaukee branch of the Bund sought to win to its cause and objects old German-American organizations within Milwaukee county and elsewhere in the state of Wisconsin, first, by infiltration, and later, when that failed, by means of the German-American Citizens Alliance, a Wisconsin non-stock corporation.

32. In allowing evidence in defendant's case that between 1924 and Pearl Harbor 1941, the aims and purposes and organization of the Bund were then subversive of the govern-[fol. 99] ment of the United States and contrary to the precepts of our American constitution.

33. In not requiring the Government to offer evidence found by it of defendant's life which reflects or tends to reflect loyalty on the part of the defendant to the United States, instead of permitting a negative evidentiary finding thereon based on its failure so to do, so as to have the same prejudicially incomplete.

34. In making the respective findings of fact and conclusions of law in part I of the Findings of Fact and Conclusions of Law in this case because the evidence of probative value in the record of the consolidated trial did not support the said respective findings or conclusions by clear, unequivocal and convincing evidence beyond a reasonable doubt.

35. In making any finding of fact and conclusion of law in this case based thereon other than as to facts existing on April 13, 1937, and for the 5-year period immediately prior thereto.

36. In admitting any evidence in this case other than those facts of probative value existing on April 13, 1937, and for the 5-years immediate prior thereto.

37. In not delaying the commencement of the consolidated trial in this action until after the hostilities in our war with Germany ceased, due to the wartime passions and fears, of common knowledge, existing at Milwaukee, Wisconsin, at the commencement of such consolidated trial and during the same, preventing the calling of willing witnesses on pre-war subjects involving association with the Bund or with the defendant, both charged with disloyalty, and avoiding the undue zeal and prejudice against defendant of plaintiff's witnesses, under the stress of and need for wartime unity, thereby preventing defendant from having ample right to prove his defense to this action and from having ample right to test plaintiff's case, defendant thereby not having ample right to the use of reason and being thereby precluded from having a fair trial protecting defendant's substantive rights.

38. In not submitting the issues out of chancery in this civil action to the judgment of a jury.

39. In permitting prejudicial surprise of defendant as to the preliminary and subsidiary issues of fact to be litigated under the pleadings, in the consolidated trials.

[fol. 100] 40. In permitting trial to be unduly delayed and burdened and not to be duly expedited by the prejudicial permission and admission of extraneous issues therein, and in permitting therein cumulative evidence to be offered by plaintiff of a purely consistent type, and without relevancy to the issues in defendant's action, and by extended background material being permitted in defendant's record to become a prejudicial vehicle against defendant, and by irrelevant facts being permitted to condition the admissibility of evidence prejudicially to the defendant in the consolidated trials.

41. In the excessive scope of evidence of preliminary and subsidiary facts permitted plaintiff at the consolidated trial which did not give certainty to the substantive facts and law at issue, to the prejudice of defendant.

42. In making illogical inferences of fact from competent evidence of probative value to the substantive issues under the pleadings, in reaching the findings of fact and conclusions of law in part No. I thereof and in reaching the con-

clusions of law from the findings of fact found in part II thereof, and in entering the judgment herein against the defendant.

Dated at Milwaukee, Wisconsin, September 12, 1944.

Yours, etc., H. William Ihrig, Attorney for defendant-appellant Paul Knauer, Suite 307 at 759 N. Milwaukee St., Milwaukee (2), Wisconsin.

Addresed to J. P. Cronin, U. S. Attorney at Milwaukee, Wis., and Carl R. Becker, Assistant U. S. Attorney at Milwaukee, Wis.

[File endorsement omitted.]

[fol. 101] Copy

Department of Justice

United States Attorney

Eastern District of Wisconsin, Milwaukee

August 6, 1943

Mr. B. H. Westfahl, Clerk of U. S. District Court, Milwaukee, Wisconsin.

Dear Sir:

Please be informed that Judge Duffy recently set the fourteen consolidated "denaturalization" cases for trial on September 21, 1943, and has set the date of September 10th, next, for pre-trial conference.

Also be notified that from and after August 20, 1943, the Government's exhibits, relative to the national organization of the German American Bund and its affiliated organizations, will be open for inspection to the attorneys of record or any defendants not represented by counsel, in Room 362, Federal Building.

This office will write each attorney, notifying him of the above.

Respectfully, B. J. Husting, United States Attorney.

By (s/g/d) Carl R. Becker, Assistant U. S. Attorney.

EB

[fol. 102] IN UNITED STATES DISTRICT COURT

[Title omitted]

AFFIDAVIT OF CARL R. BECKER—Filed Sept. 18, 1944

STATE OF WISCONSIN,
Milwaukee County, ss.:

Carl R. Becker, being duly sworn, on oath deposes and says: That he is an Assistant United States Attorney, and as such conducted the trial of the above cause on behalf of the plaintiff:

1. That on August 12, 1943, he caused the original of the annexed letter to be sent to the defendant Paul Knauer.

2. That on August 6, 1943, the Honorable F. Ryan Duffy in chambers set the above cause and others consolidated therewith for trial on September 21, 1943, and for pre-trial conference on September 10, 1943, and at the same time directed the plaintiff to make available to the several defendants in the said cases consolidated for a limited purpose, for inspection, the exhibits which the plaintiff would introduce at said consolidated hearing; that in obedience to said direction affiant sent a letter to the Clerk of the above-named Court, advising him of the Court's directions, which letter was dated August 6, 1943; and that pursuant to the directions of the Honorable F. Ryan Duffy, and in obedience thereto, affiant caused the annexed letter to be written to and delivered by mail to the defendant.

[fol. 103] 3. That from and after August 20, 1943, plaintiff's exhibits received in evidence, marked 1 to 132-A, were available for inspection and examination by all defendants and their counsel as well as the defendant Paul Knauer, in Room 362 of the Federal Building, Milwaukee, Wisconsin, which room is the library of the office of the United States District Attorney.

4. Affiant further states that from and after August 20, 1943, the defendant Paul Knauer availed himself of said opportunity to inspect and examine said exhibits in Room 362 of the Federal Building; and did examine said exhibits on frequent occasions after August 20, 1943, and before

September 21, 1943, when said hearing on the consolidated issue began.

Carl R. Becker.

Subscribed and sworn to before me this 18th day of September, 1944. Theodora E. Schwaab, Notary Public, Milwaukee County, Wisconsin.

[fol. 104] Copy

August 12, 1943.

Mr. Paul Knauer, 2711 West Lisbon Ave., Milwaukee, Wisconsin.

In re: United States of America v. Paul Knauer.

DEAR SIR:

Judge Duffy has set the above cause and other consolidated cases for trial on September 21, 1943, and the pre-trial conference September 10th, next.

The government exhibits on the national character of the Bund may be examined on and after August 20th in Room 362 of the Federal Building.

Very truly yours, B. J. Husting, United States Attorney, by Carl R. Becker, Assistant.

MH

[File endorsement omitted.]

[fol. 105] Copy

Milwaukee, Wis., September 11, 1943.

Mr. Paul Knauer, 2611 W. Lisbon Ave., Milwaukee, Wis.

In re: United States of America vs. Paul Knauer, Civ. Act. 955

DEAR SIR:

Pursuant to rule 21-A of this court, I am herewith enclosing copy of order entered September 11, 1943 in the above entitled cause.

Very truly yours, (s/g/d) B. H. Westfahl, Clerk.

BHW:RM.
Encl.

[fol. 106] IN UNITED STATES DISTRICT COURT

[Title omitted]

AMENDMENT TO COMPLAINT—Filed November 12, 1943

And now comes the plaintiff, by Carl R. Becker, Assistant United States Attorney, with leave of the Court first had and obtained, amends its Bill of Complaint herein, so that Paragraph Eight (8) of said Bill reads as follows:

That by reason of the foregoing, the said Certificate of Naturalization was procured by the said Paul Knauer fraudulently and therefore illegally and for the purpose of obtaining the rights, privileges and protection of American citizenship without intending to assume the duties thereof, and that said Certificate of Naturalization is subject to cancellation.

Carl R. Becker, Assistant United States Attorney for the Eastern District of Wisconsin.

[fol. 107] IN UNITED STATES DISTRICT COURT

Civil Action No. 955, 831, 948, 960, 965, 952, 959, 963, 966, 961

[Title omitted]

ORDER

Upon the annexed petition and motion of Carl R. Becker; the Court being advised that Attorney William Ihrig, representing the defendants at the consolidated hearing, has no objection to the entry of said order as prayed,

It Is Ordered that leave be granted to the plaintiff to withdraw from the records of this court, until the further order of this court, plaintiff's exhibits No. 24 and 64.

It Is Further Ordered that the plaintiff be permitted to file a photostatic copy of Exhibit 64 in its place and stead.

Dated February 7th, 1944.

s/g/d F. Ryan Duffy, District Judge.

[fol. 108] [File endorsement omitted]

IN UNITED STATES DISTRICT COURT

Civil Action No. 955, 831, 948, 960, 965, 952, 959, 963, 966, 961

[Title omitted]

PETITION—Filed February 7, 1944

The petition of Carl R. Becker, Assistant United States Attorney, respectfully represents:

That the Department of Justice, Washington, D. C., is desirous of obtaining the following exhibits introduced by the plaintiff at the consolidated hearing of the above cases, namely:

Plaintiff's exhibit No. 24, being "Year Book of the German-American Bund for the year 1937", and plaintiff's exhibit No. 64, being the original charter issued by the German-American Bund to Milwaukee Unit No. 14.

That plaintiff's exhibit No. 24-A, being an English translation of Exhibit 24, has been introduced in evidence and will remain available as evidence.

That plaintiff seeks leave of court to file in place of Exhibit No. 64 a photostatic copy of said Exhibit 64.

Wherefore, petitioner prays for leave of court to withdraw exhibits numbered 64 and 24, until the further order of this court; and for leave to file a photostatic copy of exhibit No. 64 in place and stead of said Exhibit 64.

Carl R. Becker, Assistant United States Attorney.

[fol. 109] IN UNITED STATES DISTRICT COURT

[Title omitted]

STIPULATION RE EXHIBITS—Filed September 18, 1944

It Is Stipulated by and between Appellant and Appellee that the designated exhibits forming part of the record on appeal herein be not transmitted to the Appellate Court with the Transcript of Record, but that the respective parties now having custody of said exhibits retain the same, available for the use of both parties in the preparation of

briefs; and that said exhibits be lodged with the clerk of this court at the earliest practicable date before the hearing of said appeal, then to be certified by the clerk of this court and transmitted for filing with the Transcript of Record on Appeal.

Dated September 18, 1944.

H. William Ihrig, Attorney for Appellant. Carl R. Becker, Attorney for Appellee.

[File endorsement omitted.]

[fol. 110] IN UNITED STATES DISTRICT COURT

[Title omitted]

STIPULATION AS TO CERTAIN FACTS—Filed September 29, 1944

It is hereby stipulated and agreed that in lieu of the appellant's supplemental designation dated September 19, 1944, the following facts appear in the record of this appeal, to wit:

1. That the complaints in the thirteen civil actions consolidated with this action for partial trial under the order of limited consolidation dated June 16, 1943, were substantially identical in form and substance with the complaint in this action; they differed as to allegations concerning date of entry into the United States, date of petition for naturalization and date of naturalization, the details of which are set forth under Paragraph 4 hereof.

2. That the Amendment made to the Complaint in this action was likewise made in said thirteen cases consolidated herewith for trial on a limited issue.

3. That this action and said thirteen others were each at issue when brought on for said limited consolidated hearing as was had herein.

4. That the names of the defendants in said consolidated actions, the filing number of their respective civil actions, the date of their entry into the United States, the date of their petition for naturalization, and the date of their re-

spective naturalization, as alleged in said complaints, are as follows:

[Folio 111]

Name	Date of Entry	Date of Petition	Date of Naturalization
1. Paul Knauer (965)	April 7, 1925	Nov. 20, 1936	April 13, 1937
2. Hans Behnke (831)	Sept. 12, 1921	Mar. 9, 1928	Sept. 12, 1928
3. John Fred Falk (948)	May 27, 1929	August 30, 1938	Dec. 13, 1938
4. Herbert Poetzsch (960)	April 23, 1928	April 4, 1934	July 10, 1934
5. Ewald Schneider (965)	Dec. 26, 1923	June 10, 1932	Sept. 26, 1932
6. Karl Kalusok (952)	Sept. 27, 1930	Aug. 29, 1938	Dec. 13, 1938
7. Henry Pfaff (959)	April 19, 1926	July 7, 1932	Nov. 15, 1932
8. Emil Schellong (963)	Oct. 1, 1921	July 9, 1937	Oct. 13, 1937
9. Joseph Wippl (967)	Jan. 2, 1924	Jan. 23, 1929	May 9, 1929
10. William Greeb (949)	Aug. 22, 1923	Mar. 26, 1929	Dec. 10, 1929
11. Otto Kettner (954)	Aug. 3, 1925	April 23, 1931	Sept. 17, 1931
12. Erich Kaufmann (943)	Oct. 10, 1923	Nov. 18, 1930	April 14, 1931
13. Ludwig Soellner (966)	May 26, 1926	April 20, 1934	Oct. 2, 1934
14. Helmut Prause (961)	May 27, 1929	Oct. 11, 1937	Jan. 11, 1938

5. That in the majority of said consolidated cases the defendants served written interrogatories upon the plaintiff under Rule 33 of the Federal Rules of Civil Procedure seeking disclosure by the plaintiff of the proof upon which it would rely to sustain the allegations of plaintiff's complaint. These interrogatories were extensive and numerous. In each instance where said interrogatories were propounded, the plaintiff responded at length, setting forth the principal evidenciary facts upon which the plaintiff would rely; and in each instance the plaintiff, among other things, in substance responded, by written reply, that it would prove that the plaintiff in said case

(a) was affiliated with the Milwaukee Unit of the Friends of New Germany;

(b) the date of said affiliation;

(c) the activity of the defendant therein;

(d) That the Friends of New Germany changed its name in the year 1936 to German-American Bund;

[fol. 112] (e) That said organization was militant in advocating the doctrine of National Socialism as practiced by the Nazi Party in Germany; and further advocated, regardless of status of citizenship, the lack of attachment to the principles of the Constitution of the United States; and further advocated on the part of its adherents, an ill disposition to the good order and happiness of the United States; and further, that it encouraged, fostered, and demanded of its adherents supreme and unswerving allegiance and fidelity to the German Reich, all to the end that its adherents would

fail to support and defend the Constitution and the laws of the United States against all enemies, foreign or domestic.

6. That all interrogatories propounded in said consolidated cases were answered in writing by the plaintiff not later than three months before said consolidated hearing.

7. That no interrogatories were propounded to the appellee by appellant.

8. That appellant's supplemental designation dated September 19, 1944, be withdrawn from the records on appeal herein.

Dated at Milwaukee, Wisconsin, this 27th day of September, 1944.

Carl R. Becker, Attorney for Plaintiff-Respondent.
H. William Ihrig, Attorney for Defendant-Appellant.

[File endorsement omitted.]

[fol. 113] In United States District Court

[Title omitted]

Designation of Record on Appeal—Filed September 12, 1944

The defendant-appellant hereby designates the following portions of the record in the above entitled and numbered cause to be necessary for the consideration of the within appeal to the United States Circuit Court of Appeals for the Seventh Circuit:

1. Complaint for denaturalization of defendant, filed February 3, 1943.

2. Answer of defendant (other than that called preliminary answer) filed April 1, 1943.

3. Motion of plaintiff to consolidate 14 cases (including the within case) for purposes of trial, together with affidavit in support thereof and notice for hearing, filed May 12, 1943.

4. Answer of defendant in opposition to plaintiff's motion to consolidate, filed May 28, 1943.

5. Order granting plaintiff's motion to consolidate 14 cases for purposes of trial on certain issues, filed June 16, 1943.

6. Order following pre-trial conference, filed September 10, 1943.

7. Memo opinion and findings of fact and conclusions of law, No. 1 in common issues consolidated for trial, filed May 25, 1944.

8. Opinion and findings of fact No. 11 and conclusions of law, filed June 16, 1944.

9. Judgment cancelling certificate of naturalization No. 4188490 issued to defendant by Clerk of Circuit Court of Milwaukee, Wisconsin, filed July 7, 1944.

[fol. 114] 10. Motion of defendant to stay execution of judgment dated July 7, 1944, and notice, filed July 12, 1944.

11. Notice of appeal, filed July 19, 1944.

12. $250 cost bond on appeal, filed July 22, 1944.

13. Statement of appellee, filed July 25, 1944.

14. Order extending time to settle record on appeal and to file and docket same with U. S. Circuit Court of Appeals, Seventh Circuit, to September 7, 1944, filed August 28, 1944.

15. Application by defendant for leave to prosecute appeal in forma pauperis, and affidavit in support thereof, filed August 30, 1944.

16. Application by plaintiff for order denying defendant's application for leave to prosecute appeal in forma pauperis, filed August 30, 1944.

17. Supplemental affidavit of defendant in support of his application for leave to prosecute appeal in forma pauperis, filed September 1, 1944.

18. Opinion on defendant's application for leave to further prosecute his appeal in forma pauperis, dated August 31, 1944.

19. Order denying defendant's application for leave to prosecute appeal in forma pauperis, filed September 1, 1944.

20. Order staying execution of judgment pending appeal, granted July 24, 1944, and filed September 18, 1944.

21. Transcripts of testimony of consolidated trial on following days:

(a) September 21, 1943, pages 1-181.
(b) September 22, 1943, pages 182-367
(c) September 23, 1943, pages 368-549
(d) September 24, 1943, pages 550-719

(e) September 27, 1943, pages 720-843
(f) September 28, 1943, pages 844-998
(g) October 12, 1943, pages 999-1140
pages 1141-1437
(h) October 13, 1943, all filed September 12, 1944,

of which the original copy is requested to be forwarded as a part of the record on appeal

[fol. 115] 22. Original exhibits offered by plaintiff in consolidated trial and numbered 1 to 132a, respectively.

23. Original exhibits offered by defendants in consolidated trial and numbered:

(a) Pfaff exhibit E, being Milwaukee Sentinel clipping of January 13, 1938, entitled "Bund cleared in U. S. Probe."

(b) Pfaff exhibit F, being constitution of Bund (1937).

(c) Pfaff exhibit J, being Wisconsin New green flash sheet of June 28, 1937, showing German and Polish picnics.

(d) Pfaff exhibit N, being Department of State publication numbered 1853 entitled "Peace and War—United States Foreign Policy 1931-1941."

(e) Pfaff exhibit K, being June 1873 Atlantic Monthly Magazine containing article entitled "French Imbroglio of 1798" by James Paxton.

Dated at Milwaukee, Wisconsin, September 12, 1944.

Yours, etc., H. William Ihrig, Attorney for defendant-appellant Paul Knauer, Suite 307 at 759 North Milwaukee Street, Milwaukee (2), Wisconsin.

Addressed to: J. P. Cronin, U. S. Attorney at Milwaukee, Wis., and Carl R. Becker, Assistant U. S. Attorney at Milwaukee, Wis.

[File endorsement omitted.]

[fol. 116] IN UNITED STATES DISTRICT COURT

[Title omitted]

APPELLEE'S DESIGNATION OF ADDITIONAL PORTIONS OF THE RECORD—Filed Sept. 18, 1944

The plaintiff-appellee hereby designates the following additional portions of the record in the above-entitled cause to be contained in the record on appeal herein:

1. Letter of United States Attorney dated August 6, 1943, to the Clerk of the above-named Court, advising him of the availability of plaintiff's exhibits for inspection by defendant, etc.

2. Copy of letter of United States Attorney dated August 12, 1943, addressed to defendant Paul Knauer, advising him that plaintiff's exhibits were available for inspection, etc., together with affidavit thereto attached; each filed September 18, 1944.

3. Copy of letter dated September 11, 1943, addressed by the Clerk of the above-named Court to the defendant Paul Knauer, enclosing copy of court's order on pre-trial conference.

4. Plaintiff's amendment to complaint filed November 12, 1943.

5. Petition and Order Re Exhibits No. 24 and No. 64 on consolidated hearing.

Dated September 18, 1944.

Carl R. Becker, Assistant United States Attorney.

[File endorsement omitted.]

[fol. 117] Clerk's Certificate to foregoing transcript omitted in printing.

[fol. 118] [Caption omitted]

IN UNITED STATES CIRCUIT COURT OF APPEALS, SEVENTH CIRCUIT

No. 8676

THE UNITED STATES OF AMERICA, Plaintiff-Appellee,

vs.

PAUL KNAUER, Defendant-Appellant

Appeal from the District Court of the United States for the Eastern District of Wisconsin

MINUTE ENTRY—May 11, 1945

Now this day come the parties by their counsel, and this cause comes on to be heard on the transcript of the record and the briefs of counsel and on oral argument by Mr. H. William Ihrig counsel for appellant and by Mr. Carl R. Becker counsel for appellee, and the Court takes this matter under advisement.

[fol. 119] IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

October Term, 1944—April Session, 1945

No. 8676

UNITED STATES OF AMERICA, Plaintiff-Appellee,

vs.

PAUL KNAUER, Defendant-Appellant

Appeal from the District Court of the United States for the Eastern District of Wisconsin

Before Evans, Sparks, and Minton, Circuit Judges.

OPINION—Filed May 29, 1945

MINTON, Circuit Judge.

The United States instituted proceedings under Section 338 of the Naturalization Act of 1940, 8 U. S. C. A. 738, to revoke for fraud and cancel the certificate of naturaliza-

tion issued to the defendant by the Circuit Court of Milwaukee County, Wisconsin. Judge Duffy, after an extended hearing conducted in his usual fair and considerate manner, sustained the complaint of the United States and revoked and cancelled the certificate of naturalization issued to the defendant on the ground that it was fraudulently and illegally procured, and entered judgment accordingly. From this judgment the defendant appeals.

There were similar petitions pending in the District Court against thirteen other defendants. An order was entered by the District Court consolidating for trial the common issue in all of the actions. It was the contention [fol. 120] of the Government that all of the defendants were members of the German-American Bund. The issues which were common to each case concerned the organization, aims and purposes, and activities of the Bund, its national and local subdivisions, predecessors and affiliates, including the Grafton Settlement League, Incorporated. For whatever it was worth, mere membership in the Bund affected each of the defendants identically the same. After the conclusion of the consolidated trial on the common issues, the claim of the Government against each individual defendant was tried separately. The District Court found in favor of thirteen of the defendants, and against the defendant, Paul Knauer.

The defendant contends that it was error to consolidate these cases on the common issues concerning the Bund. In the consolidation of cases, courts exercise a broad discretion. The court should not consolidate the trial, even where the court sits as a chancellor, in cases where the issues affecting various defendants are certain to lead to confusion or prejudice to any one or all of the defendants.

In the case at bar, the matters heard in the consolidated hearing were one and the same, and touched each defendant with exactly the same effect. There were no conflicting or confusing issues as between the defendants in the matter heard on the consolidation. The defendant represented himself at the trial and had the benefit of the able and experienced attorneys who represented the other defendants at the trial of the consolidated issues. At all times during the trial, Judge Duffy, with meticulous consideration for the rights of the defendant, guided and protected him throughout the entire proceeding. So fair

and judicial was his conduct that at the oral argument counsel for defendant paid his respects to Judge Duffy in this regard. The defendant had already paid his respects in an insolent, unwarranted attack on the Judge just a few months before the trial began.

Rule 42 (a) of the Federal Rules of Civil Procedure was designed and intended to encourage such consolidation where possible. This practice has been uniformly adopted by trial courts in similar cases. *United States* v. *Bregler*, 55 F. Supp. 837; *United States* v. *Braecker*, 55 F. Supp. 403; *United States* v. *Kusche*, 56 F. Supp. 201; *United* [fol. 121] *States* v. *Holtz*, 54 F. Supp. 63; *United States* v. *Sauter*, 54 F. Supp. 22.

We think it clear that Judge Duffy did not abuse his discretion in trying the cases together on the common issues concerning the Bund.

The defendant further contends that the evidence is not sufficient to sustain the Court's action. In such a case, the evidence must be clear, unequivocal, and convincing, and the court's findings of fact in such cases are not binding on the appellate court as in the ordinary case of review. *Baumgartner* v. *United States*, 322 U. S. 665, 64 S. Ct. 485, 88 L. Ed. 1155.

We have examined the immense record in this case and are of the opinion that it clearly, unequivocally and convincingly establishes that the naturalization certificate issued to the defendant by the Circuit Court of Milwaukee County, Wisconsin, was fraudulently and illegally procured; that before, at the time, and ever after, his taking the oath of allegiance to this country, the defendant was not attached to the principles of our Government and our Constitution, but was a thorough-going Nazi and faithful follower of the National Socialist party of Germany; that he did not in good faith forswear and abjure his allegiance to the Third Reich, and was before, at the time of his naturalization, and afterwards, a faithful follower of Adolph Hitler as leader of the Third Reich.

The clear, unequivocal, convincing evidence in this record shows the following. The defendant, Paul Knauer, was born at Saalfeld, Germany, March 3, 1895. After a high school training, he attended Leipzig University for one semester. Then he joined the German Army in World War I and rose to the rank of top sergeant. During the war he was taken prisoner and decorated with the Iron

Cross. After the war he studied law and economics for three years at Leipzig-in-Halle in Germany. The defendant arrived in the United States in April, 1925. On December 4, 1929, he filed his declaration of intention to become a citizen. In 1934 he visited Germany for several months and contacted certain Nazi leaders on this visit. He told friends that he was proud of the fact that he had met Hitler on this trip. On November 20, 1936, he filed his petition for naturalization in the Circuit Court of Mil- [fol. 122] waukee County. It was in the usual form and he took the usual oath of allegiance on April 13, 1937.

The aim and purpose of the German-American Bund and all its predecessors in this country were to unite all Germans with nationalistic leanings and to convince them that Hitler was the leader of Germans everywhere. The Bund proclaimed and supported the principles and purposes of the National Socialist party of Adolph Hitler, which centered around the Nazi concepts of leadership, superiority of the German race, and the totalitarian power of the leader.

The Bund was directly affiliated with the National Socialist party in Germany. The Nazi holidays, especially Hitler's birthday, were always observed by the Bund. Trips to Germany were arranged for Bundists to appear before the leading Nazis and to meet Hitler. The basic qualifications for membership in the Bund were that the applicant should be of Aryan descent, free of Jewish or Negro blood, believe in the leadership principle, and be an adherent to the Nazi world philosophy, German nationals and American citizens of German descent were eligible for membership in the Bund. There had been 25,000 German veterans of World War I who had migrated to Milwaukee as the defendant had done. In 1935 or 1936 the order came from Germany to the Bund leadership in this country to have German nationals retire from the organization. At the same time the Nazi salutation, "Heil Hitler," which had been modified to "Heil," or "Sieg Heil," was ordered to be displaced by the salutation, "Free America." This was only to mislead the public, as evidenced by a speech of Fritz Kuhn, the Bundesfuehrer.

The Bund meetings always displayed in the place of honor the swastika flag of the Third Reich. When the "Horst Wessel" and "Deutschland Uber Alles" were sung, which was done as a part of the ritual, the Bundist

stood at rigid attention giving the Nazi salute. The American flag was displayed also, and "America" was sung, but there was no salute to the American flag. The United States was divided up into districts or "Gaus" and "Ortsgruppes" or units. Over all was the Bundesfuehrer. It was just as the Nazis in Germany were organized.

The Bund had its Jugendschaft and Madchenschaft just [fol. 123] as the Hitler youth movement had in Germany. They wore similar uniforms and carried a similar banner. The Bund's organization, Ordnungs Dienst, referred to as the OD, corresponded to the storm troopers of the Nazis and wore uniforms similar to those of Hitler's storm troopers. The Bund maintained camps where the storm troopers drilled and where the Nazi flags were flown, Nazi paraphernalia exhibited, Nazi propaganda distributed, and Nazi speakers sponsored. One of these camps was at Grafton, Wisconsin, known as Camp Hindenburg.

The Bund published and distributed newspapers which preached the Nazi doctrine in bold and brazen bids for loyalty to Hitler. The following are samples taken from among hundreds of similar pronouncements:

> August 31, 1933: "Although it is not possible for us National Socialists and our 'Friends of the New Germany' to be present at this year's historic Party Day with a greater delegation, we feel a special need to assure all our comrades in the homeland that we here are whole-heartedly in spirit united with you in the midst of battle for our common goal."
>
> September 16, 1933: "* * * In loyalty to our Fuehrer, Adolf Hitler, we take up the battle on the American front and will not lay down the arms of defense and truth until a victory has been won in this country on the entire line in honor of our homeland."
>
> May 5, 1934: "To us in America, Hitler's birthday is an opportunity to admit that our whole heart belongs to him as the advocate of a new world philosophy which here, too has moved the minds most extensively; and we trust that fate will preserve him through many years for our German homeland. Again we pledge, on the occasion of Hitler's birthday, that we shall be spiritual fighters for a unified Germandom."
>
> March 5, 1936: "We men and women in the Bund, 'Friends of the New Germany,' acknowledge from

deepest conviction Adolf Hitler as our spiritual leader. We pledge ourselves to the community of blood of all Germans in all the world."

The Bund slogan was, "One folk, One state, One leader." The Bundesfuehrer had supreme and unlimited authority. The Bund was the means of conveying the idea to all persons of German blood in this country that they owed obedience and loyalty to the leader of the German nation, [fol. 124] Adolph Hitler, and regardless of where they were or of what obligations they had assumed toward other countries, under the concept of racial superiority, the German "Volkstum" was superior to any obligation to the United States, and persons of German blood were to remain always Germans.

The Bund looked forward to the day when National Socialism would supplant the constitutional form of government in the United States, and its political program here was actively isolationist. Its endeavor was to keep America out of war, not to help America, but to help Germany. Bund commands advocated and directed noncompliance with the Alien Registration and Selective Training and Service Acts.

There was a Bund unit in Milwaukee. There were no records kept of membership. George Froboese was the Midwestern Gauleiter and Bundesfuehrer. He was the leader of the Milwaukee unit. The Bund principles were followed by the unit in Milwaukee, and the Bund's commands which were received monthly from national headquarters, were read to the meetings. The Milwaukee unit observed the Hitler salute and closed its meetings with the "Horst Wessel" song. They sponsored motion pictures furnished by the Nazi propagandist, Dr. Goebbels. In fact, the defendant himself made arrangements while in Germany in 1934 to have the Nazi propaganda films sent to the Milwaukee unit.

The Milwaukee unit had its storm troopers, its camps, its Jugendschaft, and Madschenschaft. It was very much interested in the training of youth, and one of its subleaders was sent to Germany for a course of training in the Nazi practices. Upon his return to Milwaukee, this Bund representative tried to put into force and effect the devices for youth training which he had learned in Germany.

The Milwaukee unit sent representatives to the district and national conventions of the Bund. In the Bund pilgrimage to Germany in 1936, George Froboese, Milwaukee Bundesfuehrer, was present, and he paraded in Bundist uniform before the leading Nazis of Germany. Froboese was permitted to meet Hitler and had a picture taken shaking hands with Hitler. While in Germany, the Bund representatives placed wreaths on the grave of Horst [fol. 125] Wessel. Representatives of the Milwaukee Bund, together with other Bund leaders, made Hitler a gift of $3,000.00 together with a "Golden Book" containing the names of the persons who had contributed to the fund.

The trial court found that the German-American Bund and its predecessor organizations were un-American and subversive, and that the teachings of such organizations were contrary to the principles of the United States. Many other courts have held the same. *United States* v. *Classen*, 56 F. Supp. 71; *United States* v. *Wilmorski*, 56 F. Supp. 63; *United States* v. *Bregler*, *supra*; *United States* v. *Braecker*, *supra*; *United States* v. *Holtz*, *supra*; *United States* v. *Sauter*, *supra*; *United States* v. *Wolter*, 53 F. Supp. 417; *United States* v. *Haas*, 51 F. Supp. 910; *United States* v. *Ritzen*, 50 F. Supp. 301; *United States* v. *Schuchardt*, 49 F. Supp. 567; *United States* v. *Baumgartner*, 47 F. Supp. 622; *United States* v. *Kuhn*, 45 F. Supp. 407.

The record abundantly supports this finding. This was no beer drinking, song singing gab-fest in Dentsch by a group of nostalgic old burghers. This organization had a serious purpose, a tragically serious and sinister purpose. It was, as the defendant said, "Hitler's grip on America." It was the instrument chosen to lay the ground work for Nazi infiltration into this country, and was the Nazi way of training little fuehrers and gauleiters and fifth columnists in anticipation of the day when Adolph Hitler would conquer and rule the world. One cannot read this record without being profoundly impressed with the serious aims and purposes of the subversive, un-American Bund. How one can be an understanding, purposeful member of such an organization and still claim to be loyal to the principles of our government and to have forsworn all allegiance to the Third Reich is beyond us to understand.

This defendant was not only a member of this subversive, un-American Bund, he was an active participant and an

enthusiastic worker in forwarding the purposes of the Bund. True, there is no record of his membership in the Bund in the sense that a membership roll has been discovered. Membership rolls of the Bund were not kept. Such as did exist were ordered destroyed. Organizations that act clandestinely do not keep membership rolls and other records that may be used to illuminate their purposes. Next to George Froboese, no man was as active in the affairs of the Milwaukee unit of the Bund as was [fol. 126] this defendant. He attended its district conventions. He attended faithfully the open and secret meetings of the Bund held at Forst Keller and the Highland Cafe. He worked with Froboese in conducting the affairs of the Milwaukee unit. He went to Froboese's home and collaborated with him in drawing up planks for the Bund platform to be introduced at its national convention. Jointly with Froboese, he wrote letters to Hitler and sent copies to Hess and Himmler. One letter was written by Froboese and the defendant to Adolph Hitler on his birthday. Letters to Hitler were closed with the expression, "In blind obedience," or, "In blind obedience I follow you." One of the letters to Hitler contained the names of 700 German nationals. The defendant helped Froboese prepare articles for publication in the Bund paper *Weckruf*. The defendant was not only a subscriber and reader of this publication, he was also a reader of *Facts In Review*, a publication issued and circulated by the well known propaganda agency of the German Reich, the German Library of Information. Nothing in the way of statements or propaganda was to be sent out from the Milwaukee Bund unless approved by Froboese or the defendant.

Under the guidance of Froboese, the defendant, and other Bundists of Milwaukee, the American Protective League was formed. This was a violently anti-Semitic organization. The defendant was admittedly an intense anti-Semite. A copy of the organization papers was sent to Hitler by Froboese and the defendant acting together. Some of the joint communications were sent to Herr Bohle at Stuttgart, Germany. He was head of the Nazi Deutsches Ausland Institut, the organization responsible for effective German infiltration in foreign countries.

When German nationals were being assembled to be sent back for work in Germany, defendant, at the Bund headquarters in the Highland Cafe, interviewed the German

workers and aided in their return to Germany. This was done in cooperation with the German consuls. The Milwaukee unit of the Bund kept close touch with the German consulate both in Milwaukee and in Chicago, and the defendant was one of the most active contacts with the German consuls. The defendant, acting under the credentials of the German consul in Chicago, collected funds for the winter relief in Germany and he forwarded the collections made to the German consul. This was an undertaking [fol. 127] officially conducted by the German government and handled by the German Ministry of Propaganda under Dr. Goebbels.

Persistent efforts were made by the Bund to gain control of the Federation of German-American Societies of Wisconsin, and the defendant and other Bund leaders tried to have the swastika flag carried in the parades of the Federation and displayed in the parks where celebrations were held. When the question came to a vote before the Federation, the defendant voted in favor of displaying the swastika at the Federation's meetings. This attempt failed. The next year the defendant brought the question up again and urged that the swastika flag be displayed, but he was again voted down. Froboese and other Bundists left the hall in anger when this action was taken. Notwithstanding the fact that the Federation had voted against displaying the swastika flag, the Bundists raised it at the German Day celebration in 1936 and when it was torn down there was a violent disturbance. Again the defendant sought approval of the Federation for the display of the swastika flag, and again the Federation refused to follow the defendant. The Federation was not dominated by the Bundists.

The Bundists then set out to organize societies in opposition to the Federation, and in doing so circulated a pamphlet entitled *Merely Our Point of View*. In this pamphlet it was stated:

> "• • • With heads high and in the firm belief in the greatness of the German Reich Fuehrer we shall wear the Honor Cross conferred by Adolf Hitler."

Thereafter the German-American Citizens Alliance was formed. It was organized in January, 1937. At first its meetings were held at Bauman's Tavern, but later they were moved to Bund headquarters at the Highland Cafe.

The most frequent attendants at the meetings of this organization were the defendant, Froboese, and other Bund leaders. Often the same people who attended the meetings of the Bund were the attendants at the meetings of the Alliance. The Alliance was used to organize Germans who were not bold enough to join the Bund. In other words, it was a front for the Bund.

Fifty-five days before his naturalization, the defendant was accepted as a member of the Alliance and was immediately put upon its executive committee. [fol. 128] His first activity in the Alliance was to collect newspaper articles that attacked Germans and German-Americans. In 1937 he made monthly reports on these articles. In March of 1938, the defendant was elected Vice President of the Alliance, and conducted 42 out of 57 of its meetings. The Alliance was dominated and controlled by the defendant. Fifty-three days after his naturalization, the defendant acted as master of ceremonies at the Alliance's celebration of German Day. Shortly after his naturalization, he began the preparation of the program for this celebration which included as a speaker, one Dr. Baer, a repesentative of the Geman Reich. Two months after his naturalization, the defendant urged the Alliance to sponsor a Solistice ceremony, which was a solemn rite of the Nazis at which a wooden swastika was burned while around the burning swastika the observers joined hands in a circle to symbolize the unity of the German people everywhere, a well known tenet of Nazi philosophy which was faithfully accepted and followed by the Bund.

The defendant wrote letters attacking the Kenosha City Council for its refusal to allow the Bund the use of the city park for a meeting. When use of the Milwaukee Auditorium was denied to the Alliance, defendant led the successful court fight in obtaining its use, and his testimony in the hearing which was held in that case was to the effect that there was no connection between the Bund and the Alliance. When steps were taken by the authorities of Wisconsin to revoke the license of the Highland Cafe, the defendant was the leader in the creation of a fund to finance an appeal to the courts to test the validity of the revocation of the Cafe's license. When the court refused to reinstate the license, defendant wrote a threatening letter to the judge.

The defendant was well acquainted with the national Bundesfuehrer, Fritz Kuhn, and solicited funds for his defense. When Kuhn was convicted in New York, defendant sent a scurrilous telegram to the presiding judge and gave newspaper publicity to this telegram. Defendant attended the trial of Nazis in Chicago. He was well acquainted with Wilbur Keegan, the national legal counsel for the Bund, and the defendant conferred with him relative to his denaturalization proceedings months before they were instituted. When Froboese committed suicide, it was the de-
[fol. 129] fendant who eulogized him as friend and comrade and called him "the most persecuted man in Milwaukee."

The defendant was active in enrolling his own daughter in the Jugendschaft of the Bund. This was prior to his taking the oath of American citizenship. He took his daughter to and from the meetings held by the Milwaukee Jugendschaft. He owned a cottage at the Bund camp where he was frequently in conference with Froboese.

At every opportunity the defendant favored and advocated cooperation between the Alliance and the Bund. Dr. Tannenberg, the acting Consul General of the German Reich, presented to the Alliance the swastika flag that had been torn down at the German Day celebration. The Nazi activities of the Milwaukee unit of the Bund became so offensively Nazi that it was suggested that the reputation of the Bund might be a hindrance to the growth of the Jugendschaft, and the Jugendschaft activities and members were transferred to the sponsorship of the Alliance with the defendant's approval.

The defendant worked with Froboese to establish a united front of Germans. One hundred delegates from various German groups attended a meeting in Milwaukee in 1940, and both defendant and Froboese addressed the meeting. When a delegate at this meeting suggested that the American public would not support persons connected with the Bund, Froboese replied, "We do not have to have the support of public opinion. Give me my Germans and I will do the job." The event was repudiated by the Wisconsin Federation of German-American Societies as "another one of the discredited Bund activities." A meeting of the Alliance was scheduled for December 10, 1941, three days after Pearl Harbor, and two days after Germany had declared war on the United States, but no one came except

the defendant and the secretary, and the meeting was called off "because of bad weather."

With full knowledge of the aims and purposes of the Bund, defendant was Bundesfuehrer Froboese's right hand man in the direction of the activities of the Bund. He was fully acquainted with the Bund's connection with the German consular representatives and with the German Foreign Institute in Stuttgart, Germany. He was the ardent defender in print and on the platform of the Bund and all of its subversive activities. He was part and parcel of it. He was not just a passive member or a fellow traveler. [fol. 130] He was an active leader. If anyone criticized or took issue with the Bund, he was the first to rush to its defense. He continued even at his trial to defend the Bund. Although he denied Bund membership, his innumerable contacts with the Bund and its Bundesfuehrer, Froboese, before, at the time, and after, his naturalization, warrant the District Court's finding that defendant was a member of the Bund and fix his membership during a period from 1936 to 1941.

Notwithstanding all of his work and activities on behalf of the Bund, the Alliance, and the Nazi party of Adolf Hitler and Germany in general, the record reveals no single act of loyalty to the United States on the defendant's part. The evidence is too clear that his heart was not in America except as he could use America to further the purposes of the Nazis in Germany. The trial court in his findings pointed out more in detail than we have the various activities of the defendant in the interest of Germany. We find all of the trial court's findings clearly, substantially, and unequivocally supported by the record. How any fair minded, conscientious judge could have heard and considered the evidence in this record and reached any other conclusion than Judge Duffy reached is beyond us to understand.

This case in all its aspects has no resemblance to the case of *Baumgartner* v. *United States*, *supra*. In that case the defendant had given only lip service to his belief in the Nazi theory that all things German were superior. He was not shown to be, as this defendant clearly was, an ardent Nazi and obedient follower of Adolf Hitler, and a tireless worker in "his master's vineyard."

Counsel for the defendant at the argument admitted that the judgment of the District Court was correct, that the

record would support the judgment, if Judge Duffy was warranted in believing the testimony of one Claire Mertons, who was the secretary of George Froboese. The defendant testified that he did not know her and had never seen her until she testified at the trial. Her clear, straightforward testimony that she was attending these meetings and acting as she did act, is corroborated by the testimony of two members of the Milwaukee Police Force to whom at various times she reported her activities with Froboese and the defendant and by the testimony of a judge in Milwaukee with whom she had discussed her activities at the time. The judge testified in response to questions put to [fol. 131] him by the defendant that the reputation of Claire Mertons for truth and veracity was good.

Her testimony placed the defendant in close collaboration with Froboese in the management of the Milwaukee Bund program. She met with Froboese and the defendant at the home of Froboese where she did the secretarial work as Froboese and the defendant wrote letters to Hitler and other Nazis in Germany, prepared the program for Bund meetings, and wrote the organization papers for the American Protective League, planks for the Bund platform, and articles for publication in the Bund papers and others. She tied the defendant firmly to the subversive activities of the Bund. It was an inside view of the secretive part played by the defendant in forwarding the Nazi program in Milwaukee. Mrs. Mertons' testimony was wholly credible and corroborated in many respects.

This record fairly reeks with the slimy tactics of Nazi propaganda and delineates the pattern of Nazi infiltration. It places the defendant in active, understanding, purposeful cooperation with the Nazi scheme. It had worked in Austria and other countries of Europe. That it failed here is due to no fault of the defendant, but is due to the sacrifice of brave American boys and their stalwart allies. This record is unmatched in our experience for infidelity, disloyalty, and conscious misrepresentation.

The defendant capped the climax and indelibly stamped his conduct as fraudulent in becoming naturalized when he said, when questioned as to whether his pro-Nazi conduct was not contrary to his allegiance to his American citizenship, "That (American citizenship) is a good thing to hide

behind." That was a typical Nazi statement, deep rooted in the teachings of *Mein Kampf*.

The judgment of the District Court is

Affirmed.

[fol. 132] In United States Circuit Court of Appeals

Before Hon. Evan A. Evans, Circuit Judge, Hon. William M. Sparks, Circuit Judge, Hon. Sherman Minton, Circuit Judge

8676

The United States of America, Plaintiff-Appellee,

vs.

Paul Knauer, Defendant-Appellant

Appeal from the District Court of the United States for the Eastern District of Wisconsin

Judgment—May 29, 1945

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Wisconsin, and was argued by counsel.

On consideration whereof, it is ordered and adjudged by this Court that the judgment of the said District Court in this cause appealed from be, and the same is hereby, affirmed.

In United States Circuit Court of Appeals

[Title omitted]

Order Extending Time—June 12, 1945

On petition of appellant Paul Knauer, pro se, it is ordered that a ten day extension of time be allowed for preparing a printed petition for rehearing of this cause.

[fol. 133] And afterwards, to-wit: On the twenty-third day of June, 1945, there was filed in the office of the Clerk of this Court, a Petition for Rehearing, which said petition is not copied herein.

In United States Circuit Court of Appeals

[Title omitted]

Order Denying Petition for Rehearing. June 28, 1945

It is ordered by the Court that the petition for a rehearing of this cause be, and the same is hereby, denied.

In United States Circuit Court of Appeals

[Title omitted]

Order Staying Issuance of Mandate. July 3, 1945

On motion of appellant, pro se, it is ordered that the issuance of the mandate of this Court in this cause be, and the same is hereby, stayed pursuant to Rule 25 of the Rules of this Court.

[fol. 134] In United States Circuit Court of Appeals

[Title omitted]

Order Staying Issuance of Mandate. August 10, 1945

On petition of counsel of appellant, it is ordered that the issuance of the mandate of this Court be, and the same is hereby, stayed for an additional period of thirty (30) days pursuant to Rule 25 of the Rules of this Court.

In United States Circuit Court of Appeals

[Title omitted]

Order Staying Issuance of Mandate. August 28, 1945

On motion of counsel for defendant-appellant, it is ordered that the issuance of the mandate of this Court in this cause be, and the same is hereby, stayed for an additional thirty days, and, it is further ordered, that the Clerk of this Court certify the original records of this cause to the Clerk of the Supreme Court of the United States.

[fol. 135] IN THE UNITED STATES CIRCUIT COURT OF APPEALS

[Title omitted]

DESIGNATION OF PORTIONS OF RECORD—Filed September 10, 1945

To: Kenneth J. Carrick, Clerk of the United States Circuit Court of Appeals for the Seventh Circuit:

Please prepare Transcript of Record for use on Petition for Certiorari to the Supreme Court of the United States and include therein the following designated portions thereof:

1. Transcript of record of the District Court.
2. Order showing hearing of cause.
3. Opinion of the Court.
4. Judgment order of Affirmance.
4½. Order time to file rehearing petition extended.
5. Reference to filing rehearing.
6. Order denying petition for rehearing.
7. Orders staying Mandate, July 3, August 10 and August 28, 1945.

Ode L. Rankin, Attorney for Appellant.

[fol. 136] STATE OF ILLINOIS,
County of Cook, ss:

Ode L. Rankin being duly sworn, deposes and says that on September 10th, 1945 he served a true copy of the foregoing Designation of Portions of Record on Timothy T. Cronin, U. S. District Attorney, Federal Building, Milwaukee, Wisconsin, by placing it in a properly stamped envelope and depositing same in U. S. Mail Chute at 134 N. LaSalle Street, Chicago, Illinois, addressed to him at the above stated address.

Ode L. Rankin.

Subscribed and sworn to before me this 10th day of September, A. D. 1945. Bessie Beleniak, Notary Public. (Seal.)

[fol. 137] Clerk's Certificate to foregoing transcript omitted in printing.

[fol. 138] In the Supreme Court of the United States

Stipulation as to Printing of the Record—Filed September 12, 1945

Subject to the approval of the Court, counsel for the respective parties in the above case hereby stipulate and agree that for purposes of the petition for certiorari the printed portion of the record shall consist of transcript of the proceedings in the District Court and the Circuit Court of Appeals, exclusive of the testimony and other evidence and exhibits introduced in the District Court. It is further agreed that either side may refer in its brief and argument to the unprinted portion of the transcript and record.

Respectfully submitted, Ode L. Rankin, Counsel for Petitioner. Harold Judson, Acting Solicitor General.

[fol. 100] SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1945

No. —

PAUL KNAUER, Petitioner,

vs.

UNITED STATES OF AMERICA

ORDER EXTENDING TIME WITHIN WHICH TO FILE PETITION FOR CERTIORARI

Upon Consideration of the application of counsel for the petitioner,

It Is Ordered that the time for filing a petition for certiorari in the above entitled cause be, and the same is hereby, extended to and including October 15th, 1945.

Wiley Rutledge, Associate Justice of the Supreme Court of the United States.

Dated this 22d day of September, 1945.

[fol. 101] SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI. Filed December 10, 1945.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Mr. Justice Jackson took no part in the consideration or decision of this application.